

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1994

**HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 11, 1994**



VOL. 3

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. Listing of legislative days, with calendar dates and pages on which each day begins;
3. Topic index of general bills listed alphabetically by subject matter;
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TWENTY-FIFTH LEGISLATIVE DAY

THURSDAY, APRIL 7, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Joe Godfrey, Pastor, Taylor Road Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Chris Bailey, Stratford Academy, Macon, Georgia.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Turner:

HJR 354. DESIGNATING "THE MAGNOLIA TRAIL."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 354, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 319. COMMENDING ROBERT DAVID RHOADES OF SELMA, ALABAMA, ON HIS SELECTION AS GOODWILL AMBASSADOR OF 1994.

Also:

By Rep. Cosby:

HJR 320. COMMENDING NAPOLEON CLEAVER.

Also:

By Rep. Smith (C):

HJR 323. COMMENDING HARRY FOX ON RECEIVING THE MELVIN JONES FELLOWSHIP AWARD FROM THE LIONS CLUBS INTERNATIONAL FOUNDATION FOR DEDICATED HUMANITARIAN SERVICES.

Also:

By Rep. Smith (C):

HJR 324. COMMENDING THE LOWERY QUARTET OF CHILTON COUNTY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 319, 320, 323, and 324, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey and Kennedy:

HJR 326. COMMENDING LAKEESHA CANNON OF LEFLORE HIGH SCHOOL FOR EXTRAORDINARY ATHLETIC ACHIEVEMENT.

Also:

By Rep. Warren:

HJR 328. NAMING THE STEPHANIE MARIE FRAZIER MEMORIAL BRIDGE IN CONECH COUNTY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 326 and 328, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Turnham:

HJR 305. HONORING JACK L. WALTON OF OPELIKA, ALABAMA, FOR DISTINGUISHED SERVICE.

GREG PAPPAS.
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 305, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rogers(J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker

(T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 352. RECOGNIZING BRISTO WILLIAM REESE FOR HIS HISTORICAL LEADERSHIP OF THE STATE OF ALABAMA, 1872-1876.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 352, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Rogers (J):

HJR 351. COMMENDING MARSHALL E. MCGHEE FOR DISTINGUISHED PROFESSIONAL SERVICE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 351, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Holliday:

HJR 346. RECOGNIZING WALTER MALCOLM KENNEDY OF ST. CLAIR COUNTY UPON HIS RETIREMENT.

Also:

By Rep. Cosby:

HJR 347. COMMENDING FRANK HARDY FOR HIS CONTRIBUTIONS TO THE SELMA YOUTH DEVELOPMENT CENTER.

Also:

By Rep. Cosby:

HJR 348. COMMENDING MR. LARRY LAKES ON HIS BOXING ACCOMPLISHMENTS.

Also:

By Rep. Box:

HJR 349. COMMENDING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Butler:

HJR 350. MOURNING THE DEATH OF DONALD C. DUPREE OF MONROVIA, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 346, 347, 348, 349, and 350, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Butler:

HJR 329. COMMENDING MR. AND MRS. JOE BILL SATTERFIELD OF MONROVIA, ALABAMA.

Also:

By Reps. Biddle and Payne:

HJR 330. COMMENDING THE STUDENT TEAMS OF BRAGG JR. HIGH SCHOOL AND GARDENDALE ELEMENTARY SCHOOL OF GARDENDALE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Holmes:

HJR 338. COMMENDING DR. JOHN MOLAND, JR., OF ALABAMA STATE UNIVERSITY.

Also:

By Rep. Richardson:

HJR 340. COMMENDING COMPANY B OF THE 151ST ENGINEER COMBAT BATTALION OF SCOTTSBORO, ALABAMA, ON THEIR 44TH REUNION.

Also:

By Rep. Richardson:

HJR 343. COMMENDING CAPTAIN CHARLES R. BRADFORD OF SCOTTSBORO, ALABAMA.

Also:

By Rep. Williams:

HJR 344. MOURNING THE DEATH OF MR. WILLIAM LARRY RIVENBARK OF OZARK, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 329, 330, 338, 340, 343, and 344, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clay:

HJR 275. COMMENDING MS. ELAINE F. THOMAS OF TUSKEGEE, ALABAMA, MS. SENIOR ALABAMA 1994.

Also:

By Rep. Gaston:

HJR 276. COMMENDING ANNE JOLLY OF MOBILE, ALABAMA, AS STATE OF ALABAMA TEACHER OF THE YEAR, 1992-1993.

Also:

By Rep. Laird:

HJR 280. COMMENDING S. TRUETT CATHY FOR OUTSTANDING ACHIEVEMENT AND MAKING HIM AN HONORARY CITIZEN OF ALABAMA.

Also:

By Rep. Newton (D):

HJR 281. COMMEMORATING THE LIFE AND SERVICE OF

THE LATE MRS. RUTH B. COOK OF FAIRFIELD, ALABAMA.

Also:

By Rep. Hall (A):

HJR 282. COMMENDING THE BUCKHORN HIGH SCHOOL LADY BUCKS AS THE 1994 STATE CLASS 4A GIRLS BASKETBALL CHAMPIONS.

Also:

By Rep. Cullins:

HJR 283. CONGRATULATING MR. AND MRS. JAMES TANNER OF ALEXANDER CITY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Laird:

HJR 284. COMMENDING JAMES CULLINS ON HIS DISTINGUISHED LEGISLATIVE SERVICE AND CONTRIBUTIONS TO COMMUNITY AND STATE.

Also:

By Rep. Cagle:

HJR 285. COMMENDING THE LYNN HIGH SCHOOL BEARS ON THE OUTSTANDING SUCCESS OF THEIR 1993 FOOTBALL SEASON.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 275, 276, 280, 281, 282, 283, 284, and 285, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bryant:

HJR 294. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS OF UNIONTOWN, ALABAMA, THE 1994 STATE CLASS 3A BASKETBALL CHAMPIONS.

Also:

By Rep. Hooper:

HJR 297. COMMENDING CAPTAIN JOHN CLOUD OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

By Rep. Hooper:

HJR 298. CONGRATULATING THE MONTGOMERY SOUTHEAST BLUE ALL STARS ON THE EIGHT-YEAR-OLD YMCA STATE BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Hooper:

HJR 299. COMMENDING THE MONTGOMERY SOUTH-EAST BLUE NINE-YEAR-OLD ALL STARS, 1994 YMCA STATE BASKETBALL CHAMPIONS.

Also:

By Rep. Hooper:

HJR 300. COMMENDING THE MONTGOMERY SOUTH-EAST BLACK 11-YEAR-OLD ALL STARS ON THE 1994 YMCA STATE BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Zoghby:

HJR 301. COMMENDING MAJOR RODERICK ROY OF THE
MOBILE POLICE DEPARTMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 294, 297, 298, 299, 300, and 301, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Willis:

HJR 307. HONORING MRS. KITTY STONE OF JACKSON,
ALABAMA.

Also:

By Rep. Collins:

HJR 308. MOURNING THE DEATH OF W. C. BRAGG OF
VERNON, ALABAMA.

Also:

By Reps. Buskey, Kennedy, and Clark (W):

HJR 309. COMMENDING COACH J. D. SHELWOOD, THE
ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE
SOUTHERN DIVISION COACH OF THE YEAR.

Also:

By Reps. Clark (W), Buskey, Turner, Gaston, McMillan, Kvalheim,
Rockhold, Zoghby, Harper, and Box:

HJR 310. RECOGNIZING ROBERT JAMES MOORE ON HIS

**APPOINTMENT AS U. S. MARSHAL IN THE SOUTHERN DISTRICT
OF ALABAMA.**

Also:

By Rep. Cagle:

**HJR 311. COMMENDING TODD INGLE OF LYNN HIGH
SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

Also:

By Rep. Cagle:

**HJR 312. COMMENDING TODD TITTLE OF LYNN HIGH
SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 307, 308, 309, 310, 311, and 312, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Drake:

HJR 339. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

WHEREAS, the Legislature created the Joint Interim Legislative Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, pursuant to HJR 151, Act No. 92-107 of the 1992 Regular Session (Act 92-107, p. 177, 1992) and pursuant to HJR 28, Act

No. 93-45 of the 1993 Regular Session (Act 93-45, p. 98), extended the time for submission of the committee's report; and

WHEREAS, the committee was directed to report its findings on the thirtieth legislative day of the 1993 Regular Session; and

WHEREAS, the Legislature finds that the committee should be provided an extension of time to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores shall report its findings, conclusion, and recommendations to the Legislature not later than the thirtieth legislative day of the 1995 Regular Session.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 339, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper, Zoghby, Gaston, Kvalheim, Buskey, Kennedy, and Box:

HJR 278. RECOGNIZING THE CONTRIBUTIONS OF EXXON TO THE MOBILE AREA AND THE STATE OF ALABAMA.

WHEREAS, Exxon's Mobile Bay operations represent the world's largest sour gas development; and

WHEREAS, leases of offshore tracts by Exxon have resulted in the payment of more than \$600 million to the Alabama Trust Fund; and

WHEREAS, construction of Exxon's facilities provided employ-

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ment to thousands of local workers and benefitted hundreds of local vendors; and

WHEREAS, workers at the Exxon plant compiled an exceptional safety record during construction of the onshore and offshore facilities, while Exxon took extraordinary measures to protect the environment and quality of life in Mobile Bay; and

WHEREAS, since production began in October of 1993, Royalty and Severance Tax payments to the state by Exxon have exceeded \$25 million; and

WHEREAS, further, Exxon has provided generous support to dozens of local charities and organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize that Exxon, the Mobile area, and the State of Alabama are "Partners in Progress," and look forward to sharing this productive working relationship for many years to come.

BE IT FURTHER RESOLVED, That on behalf of the Mobile area and the State of Alabama, a copy of this resolution shall be presented to Exxon in appreciation for its many contributions, and for the generosity of its support to the community.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Butler:

HJR 279. MEMORIALIZING THE ALABAMA CONGRES-

**SIONAL DELEGATION AND PRESIDENT CLINTON REGARDING
THE PROPOSED AMENDMENT TO THE FEDERAL AVIATION ACT
OF 1958.**

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

**The Resolution, HJR 279, set out in the foregoing Message from
the House, was read and referred to the Standing Committee on Rules.**

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

**The House has amended as therein shown and, as amended, has
concurred in and adopted the following Senate Joint Resolution and returns
same herewith to the Senate:**

**SJR 95. PROMOTING THE APPOINTMENT OF WOMEN
TO STATE AND PUBLIC BOARDS, COMMISSIONS, AND AUTHORI-
TIES.**

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

**On motion of Senator Little, the Senate concurred in and adopted
the following House amendment to the Resolution, SJR 95, the title of which
is set out in the foregoing Message from the House, to-wit:**

AMENDMENT TO SJR 95

**Amend SJR 95 on page 2, line 3 by striking after the word "That"
the following: "each appointing authority" and inserting in lieu thereof the
following: "The Alabama Women's Commission"**

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

HJR 236. ESTABLISHING THE DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS AS A REPOSITORY FOR AUDIT REPORTS OF ENTITIES RECEIVING OR DISBURSING, OR BOTH, PUBLIC FUNDS.

WHEREAS, the Legislature of Alabama annually appropriates millions of dollars to various entities to provide services and programs for the benefit of the citizens of Alabama; and

WHEREAS, the accountability of these entities is of paramount importance to the Legislature; and

WHEREAS, audits are an integral part of the accountability of these entities to the citizens; and

WHEREAS, the Legislature desires that audit reports of entities receiving or disbursing, or both, public funds be available to the public to the maximum extent possible; and

WHEREAS, the Department of Examiners of Public Accounts issues public audit reports on the entities that it audits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all entities receiving or disbursing, or both, public funds forward a copy of every audit report issued on the entity to the Department of Examiners of Public Accounts at the time of its receipt by the entity; and that the Department of Examiners of Public Accounts shall establish a repository of audit reports received, provide notice to the public weekly of reports received by the repository, and provide copies of audit reports in the repository to the public upon request.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 236, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 90. ESTABLISHING AN ADVISORY COMMITTEE ON THE LOCATION OF THE NATIONAL BIOMEDICAL TRACER FACILITY IN THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Senate concurred in and adopted the following House amendment to the Resolution, SJR 90, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SJR 90

Amendment to SJR 90 on page 2, lines 32 and 33, by striking after the word "exceed" the following: "fifteen thousand dollars (\$15,000) and inserting in lieu thereof the following: "seven thousand, five hundred dollars (\$7,500.00)"

REPORTS OF COMMITTEES

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Perdue (With Notice and Proof):

H. 872. To provide procedures by which class 1 municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the owners of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorpora-

tion of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; and to provide certain tax exemptions for district management corporations.

Senator Dixon, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Beasley, Johnson, Mikell, and Butler:

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

By Rep. Hawkins:

H. 376. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education and supervision.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 628. To transfer rehabilitation services of handicapped persons from the State Board of Education and State Department of Education to a Board of Rehabilitation Services and Department of Rehabilitation Services; to provide for the personnel, funding, duties, powers, functions, membership, meetings, compensation, and meetings of the board and the department; to expressly preserve certain services and programs; and to provide an effective date of October 1, 1994.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carter:

H. 816. To amend Section 16-8-12, Code of Alabama 1975,

relating to the vesting of legal title to school property in the county board of education, to provide that a county board of education may convey school property to a volunteer fire department in the county.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hooper:

H. 305. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

By Senator Mitchem:

S. 677. To authorize the Department of Corrections to purchase socks for state inmates without regard to the competitive bid law from a program operated by a county for senior citizens when the program is operated through a local council on aging under certain conditions.

By Rep. Hooper:

H. 780. To provide for the offense of making false statements to obtain workers' compensation benefits.

By Reps. Gaines, Sanderson, Fuller, Morton, Curry, Parker (T), Powell, Sanderford, Hill, Knight (A), Box, Haney, Hawkins, Beasley, Newton (C), and Hooper:

H. 425. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the

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Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 668. To amend Section 32-6-61, Code of Alabama 1975, relating to licensing, registration, and taxation of a motor vehicle, to provide that on the sale or transfer of a motor vehicle the license plates would not be transferable between motor vehicle owners.

By Senator Foshee:

S. 672. To amend Sections 16-3-8 and 16-3-9 of the Code of Alabama 1975, relating to the compensation and expense allowance of the members of the State Board of Education.

By Rep. Fuller:

H. 273. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

By Reps. Smith (C) and Zoghby:

H. 433. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal

court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

By Reps. Drake, Goodwin, Anderson, Holley, Buskey, and Clark (W):

H. 463. To provide for commemorative motor vehicle tags for certain educators; to appropriate certain fees for the tags to the Penny Trust Fund; to establish an advisory committee for the design of the tag; to provide that the cost and additional fees for the commemorative license tags be paid from the net proceeds to the Department of Corrections; and to provide that the extra fees spent on the commemorative license tags shall be a charitable deduction.

By Rep. Johnson:

H. 481. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

By Rep. Flowers:

H. 532. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

By Rep. Harvey:

H. 748. To amend Section 23-1-50.1 of the Code of Alabama 1975, to further provide for the definition of road machinery and equipment to include certain aircraft and automotive equipment transferred from the Department of Finance to the Department of Transportation, pursuant to Executive Order No. 12, dated December 21, 1993, in the Department of Transportation, Road Machinery and Equipment Management Program and Equipment Management Surplus Reserve Account.

By Rep. Holley:

H. 810. To provide for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions.

COMMITTEE REPORT

Senator Langford, Chairperson of the Standing Committee on State

Development and Tourism, reported that said committee, in session, had acted on the Bill, HB 755, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

REPORTS OF COMMITTEES RESUMED

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Notice and Proof):

S. 670. To promote the maintenance of Lowndes County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Lowndes County Health Department to enforce littering laws in Lowndes County; and to prescribe fines for violations.

By Senator Sanders (With Notice and Proof):

S. 671. Relating to Lowndes County; providing for the salary of the Sheriff of Lowndes County, payable from the Lowndes County treasury; and repealing of conflicting laws.

By Senator Sanders (With Notice and Proof):

S. 673. Relating to Lowndes County; providing for the salary of the Sheriff of Lowndes County, payable from the Lowndes County treasury; and repealing of conflicting laws.

By Senator Ellis (With Notice and Proof):

S. 674. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Helena in Shelby County.

By Senator Lindsey (With Notice and Proof):

S. 676. Relating to Monroe County; providing for an additional expense allowance and salary for the coroner.

By Rep. Melton (With Notice and Proof):

H. 18. Relating to the District Attorney of the Sixth Judicial

Circuit; to provide for an adjustment in the total compensation of the District Attorney of the Sixth Judicial Circuit.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Bowling and Drake (With Notice and Proof) (With Substitute):

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

The above Bill was read a second time at length as required by the Constitution.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Venable (With Notice and Proof):

H. 296. Relating to Coosa County; providing for the county commission to reimburse the offices of the revenue commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing for the funds to be payable from the general fund of the county.

By Rep. Venable (With Notice and Proof):

H. 297. Relating to Coosa County; to provide for five commissioners elected from single-member districts; to provide for the selection of one commissioner to serve as chair; to provide for the salary of the chair and associate commissioners to be the same as provided by existing law; to provide that effective with the term of office that begins in November, 2000, the judge of probate will no longer serve as ex officio member of the commission or as chair; to provide for the boundaries of the five commission districts; to establish a unit road system for the operation of the county roads and bridges; to provide for the employment of an administrator and county engineer; to require members of the county commission to inspect the roads and bridges in their districts; and to repeal all conflicting law,

including but not limited to, Act No. 86-239, H. 775, 1986 Regular Session.

By Rep. Venable (With Notice and Proof):

H. 298. Relating to Coosa County; providing that beer or ale may be sold in containers not exceeding 32 fluid ounces in size.

By Rep. Campbell:

H. 797. Relating to Calhoun County; to confirm that the Legislature may create a public corporation to assist or aid Calhoun County or any municipality therein in promoting industry, trade, and economic development and grant powers to the public corporation as the Legislature may consider necessary or desirable; to ratify Act No. 82-222 enacted at the 1982 Regular Session of the Alabama Legislature providing for the creation of the Calhoun County Economic Development Council; to approve amendments of and supplements to Act No. 82-222; and to ratify all actions taken and obligations incurred by the Calhoun County Economic Development Council prior to the date of the ratification of this amendment.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Campbell (With Notice and Proof):

H. 798. To amend Act No. 79-157, S. 222, 1979 Regular Session, which said act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to authorize additional investments of the retirement fund by the board of trustees of the policemen's and firemen's retirement fund, and to provide further for a one time increase in benefits presently being paid to certain surviving spouses or dependents of deceased members of the fund.

By Reps. Blakeney and Black (L) (With Notice and Proof):

H. 800. Relating to Choctaw County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to fund the operation of ambulance and emergency medical services; prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

By Rep. Blakeney (With Notice and Proof):

H. 857. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Demopolis in Marengo County.

By Rep. Laird (With Notice and Proof):

H. 858. Relating to Randolph County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases, and providing for the establishment of a Juvenile Court Services Fund and the distribution of moneys in the fund.

By Rep. Laird (With Notice and Proof):

H. 859. Relating to Randolph County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; and providing for a referendum.

By Rep. Venable (With Notice and Proof):

H. 875. Relating to Coosa County; regulating the liquor traffic by authorizing the county commission to reject certain licenses issued for the sale of alcoholic beverage; and making the rejection subject to review by the Alcoholic Beverage Control Board.

By Rep. Venable (With Notice and Proof):

H. 876. Relating to Coosa County; to provide for the speed limit on unpaved county roads.

By Rep. Knight (A) (With Notice and Proof):

H. 881. To amend Section 3 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to the establishment of a personnel board for employees of county law enforcement officers in Shelby County, to provide that the position of operations manager shall not be subject to the jurisdiction of the Shelby County Law Enforcement Personnel Board, and that the operations manager shall be appointed and serve at the pleasure of the sheriff.

By Rep. Campbell (With Notice and Proof):

H. 885. Relating to Calhoun County; to provide for the assessment of additional court costs in the municipal courts of the county for the purpose of funding the county law library.

By Rep. Melton (With Notice and Proof):

H. 902. To amend certain portions of Act No. 56, adopted in the 1953 Regular Session of the Alabama Legislature, which authorized the levy of certain sales and use taxes in Tuscaloosa County and the creation of the Tuscaloosa County Special Tax Board, to authorize the Tax Board, but only upon the direction of the governing body of Tuscaloosa County, to levy and impose, from time to time, an additional sales and use tax to equalize the rate of sales and use taxes levied in the County to the highest rate of sales or use tax then being levied by the City of Tuscaloosa or by the City of Northport; and to provide that the proceeds from any such additional sales and use tax shall be allocated entirely to the Tuscaloosa County Commission for general county purposes. Also to amend the distribution formula, subject to the levy of the additional sales and use tax as directed by the Tuscaloosa County Commission, to reduce the share of revenue from the sales and use tax presently levied by the Tax Board and distributed to the City of Tuscaloosa, and to correspondingly increase the share distributed to Tuscaloosa County. Also to provide certain technical corrections to Act No. 56, grant regulatory authority to the Tax Board, and repeal inconsistent provisions.

Senator Escott-Russell, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Amari (With Notice and Proof):

S. 400. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

By Rep. McClain (With Notice and Proof):

H. 418. Relating to Jefferson County; regulating the operation of tanning facilities; requiring the safe and sanitary operation of tanning

devices; and prescribing civil and administrative penalties.

By Reps. McDowell, Spratt, Perdue, and Newton (D) (With Notice and Proof):

H. 446. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

By Reps. McDowell, Spratt, Perdue, and Newton (D) (With Notice and Proof):

H. 447. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

Senator Escott-Russell, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Newton (D) (With Notice and Proof) (With Amendment):

H. 829. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial Circuit; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library; and to provide that the costs and charges collected be placed in a "Treatment to Alternative Street Crime Fund" and to provide for distribution of the funds.

Senator Escott-Russell, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Newton (D) and Perdue (With Notice and Proof):

H. 325. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's

Supplemental Pension System to pay certain employee contributions for certain members of the system.

By Senator Amari (With Notice and Proof):

S. 237. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

By Rep. Rogers (J) (With Notice and Proof):

H. 856. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

By Senator Amari (With Notice and Proof):

S. 399. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

By Reps. Spratt, McClain, Barnes, Rogers (J), and Hilliard (With Notice and Proof):

H. 420. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from nine single-member districts geographically the same as the districts established for the election of members of the city council; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

By Senator Underwood (With Notice and Proof):

S. 360. Relating to Jefferson County, regulating the operation of tanning facilities and prescribing criminal and administrative penalties.

By Reps. Sanderson and Spratt (With Notice and Proof):

H. 759. Relating to retirement or participant benefits and spouse's or survivor's benefits paid by certain pension, relief, or retirement systems of Class 1 municipalities to persons who are covered under the Policemen's Pension and Relief Fund provided by Act No. 502 of the 1923 Session of the Legislature, as amended, the Fireman's Pension and Relief Fund provided by Act No. 307 of the 1943 Session of the Legislature, as amended, the Separate Policeman's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature, as amended, or the Separate Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature, as amended, to provide further for certain minimum monthly benefits payable under the systems to certain persons.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Drake:

H. 115. To create a new district judgeship for Cullman County.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Haynes and Johnson:

H. 860. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Talladega County Board of Registrars.

By Rep. Penry:

H. 491. To amend Section 17-4-153, Code of Alabama 1975, to provide further for the salary of each member of the Board of Registrars in each county.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey:

H. 788. Relating to single and multi-family dwellings for low or moderate income persons or families which may be provided by a governing body of a municipality or county; to alter the definition of the term low or moderate income person or family by amending Section 11-96A-2, Code of Alabama 1975.

By Rep. Johnson:

H. 711. To provide for the enrollment of a child in a non-custodial parent's group health plan by a custodial or non-custodial parent, the Medicaid agency, or other Title IV-D, or Title XIX, state agencies; to provide that employers shall withhold wages up to the maximum allowed by statute in order to pay the employee's share, if any, of premiums on the necessary health coverage; and to provide that a state agency shall be able to garnish wages or require withholding of amounts from state tax refunds to reimburse the state or custodial parent where a person has received third party payments, but has not paid these to the state agency or custodial parent when appropriate.

By Rep. Johnson:

H. 613. To amend Section 27-14-11.1, Code of Alabama 1975, relating to certain health insurer contracts and prohibiting any provision which denies or reduces benefits based on medicaid eligibility, so as to further define private insurers and to prohibit private insurers from denying enrollment to an individual based on medicaid eligibility.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 675. Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford

certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. McDaniel:

H. 584. To authorize the various municipal governing bodies individually or jointly with other municipalities to levy additional costs and fees on certain municipal cases and to provide for the distribution of the funds to construct, equip, and maintain a jail or jails or a court complex.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Rep. Clark (J) (With Notice and Proof):

H. 898. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

By Rep. Carter (With Notice and Proof):

H. 778. To fix the fee for the issuance of pistol permits in Limestone County, to provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund, and to provide for the use of such funds and an effective date.

By Rep. Melton (With Notice and Proof):

H. 896. Relating to Tuscaloosa County; to amend Section 2 of Act No. 91-173, H. 454 of the 1991 Regular Session (Acts 1991, p. 232) to further prescribe the compensation of the chief deputy sheriff and provide for the payment thereof.

By Reps. Penry and McMillan (With Notice and Proof):

H. 845. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county

or state public road or highway; and to provide for appeals and exceptions.

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., HB 693, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Underwood, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

H. 693. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 693, to- wit:

AMENDMENT TO HB 693

On page 1, lines 12 and 13, delete the following language:

“and the planning and zoning authority”

On page 1, lines 24 and 25, delete the following language:

“and the planning and zoning authority”

On page 2, lines 8 and 9, delete the following language:

“and the planning and zoning authority”

On motion of Senator Corbett, said amendment was laid on the table.

Senators Little and Corbett offered the following substitute for the Bill, HB 693, to-wit:

SUBSTITUTE FOR HB 693

**A BILL
TO BE ENTITLED
AN ACT**

To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions; and to provide an expiration date of any provisions of the proposed amendment affecting the planning and zoning authority of any municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) In Lee County, the police jurisdiction and planning and zoning authority of any municipality located partially within Lee County with the exception of the municipality of Notasulga shall not extend beyond the corporate limits of the municipality. This amendment shall affect the authority of a municipality located partially within Lee County only in Lee County.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Lee County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

(c) The provisions of this amendment restricting the planning and zoning authority of any municipality affected by the amendment shall expire on June 30, 1997.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accor-

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dance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Hill, Hom, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 693, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Hom, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee requested and received permission to suspend the Rules in order to bring up the Bill, HB 8.

Senator Ghee, B.I.R., HB 8, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little,

Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood,
Waggoner, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 8. To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B.I.R., HB 705, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Underwood, Waggoner, and Windom - 25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 705. Pertaining to Madison County; amending Section 2 of

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Act No. 90-695, H. 789 of the 1990 Regular Session, (Acts 1990, p. 1350), relating to court costs, providing further for the disbursements of funds derived from sums collected; providing for the appointment of the Child Protection Board of Madison County; and establishing the powers and duties of the board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Escott-Russell, Floyd, Hale, Hill, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B.I.R., HB 616, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 616. Relating to the Twenty-third Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection

fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., SB 665, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 665. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 191, H. 525, 1971 Regular Session, as amended.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, SB 665, to-wit:

SUBSTITUTE FOR SB 665

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The judicial assistant to the Presiding Circuit Judge of the 18th Judicial Circuit shall receive an annual salary supplement in the amount of four thousand eight hundred dollars (\$4,800). The salary supplement shall be in addition to any salary received by the judicial assistant and shall be paid out of the Shelby County General Fund with prior approval of the Shelby County Commission which must be evidenced by at least seven affirmative votes thereof.

Section 2. The judicial assistant to the Presiding District Judge of the 18th Judicial Circuit shall receive an annual salary supplement in the amount of two thousand four hundred dollars (\$2,400). The salary supplement shall be in addition to any salary received by the judicial assistant and shall be paid out of the Shelby County General Fund with prior approval of the Shelby County Commission which must be evidenced by at least seven affirmative votes thereof.

Section 3. Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837), is repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 665, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, SB 499.

Senator Sanders, B.I.R., SB 499, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 499. To create a new circuit judgeship in the Fourth Judicial Circuit.

was taken up.

On motion of Senator Sanders, the Rules were suspended and further consideration of the Bill, SB 499, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 577, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 577. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend Section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection, and use of additional court costs in certain cases to defray the expense of juror parking, so as to further provide for the court costs in civil and domestic relations cases in the circuit court.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Underwood, and Wilson -25

Nays:

- 0

RESOLUTIONS

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to sus-

pend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 129. RECOGNIZING EUGENE CRUM FOSHEE OF ANDALUSIA FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, since 1967, the Honorable Crum Foshee of Andalusia has devoted the major portion of his life in dedicated public service as a member of the Alabama State Legislature, and has most ably served in the best interests of his constituents, and to the common good and well-being of all Alabamians; and

WHEREAS, born in Red Level, Alabama, December 13, 1937, Eugene Crum Foshee is the son of Ruby Faye Huggins and the late Wheeler George Foshee, and is a graduate of Red Level High School where he was active in student affairs and received All-State honors as a halfback on his school's football team; he then attended Auburn University, became a successful farmer, cotton ginner, and operator of a peanut shelling plant in Red Level and, after becoming a member of the Legislature, worked for a major Alabama contracting firm; and

WHEREAS, Mr. Foshee was first elected to the State Legislature in 1966 as a member of the House of Representatives from District 40, Covington and Geneva Counties, and answered his first roll call for the opening of the Organizational Session on January 10, 1967; he was subsequently elected to the Alabama Senate for the 1970-1974 term, and presently serving his fifth term in the Senate from District 31, after serving previously from Senate Districts 20 and 25, has represented constituencies from eight South Alabama counties, or portions thereof, over the course of his career; and

WHEREAS, reflecting Senator Foshee's outstanding leadership ability are the more than a dozen standing committee assignments he has received in both the House and Senate, seven of which he has served as chairman, including Rules, Agriculture, Business and Labor Relations, and Commerce, Transportation, and Utilities, and was the first chairman of the Senate Confirmations Committee; and

WHEREAS, he further has served as deputy or vice chairman of a number of other committees; as a member or in leadership of many subcommittees and countless interim committees; and, due to his instrumental role in the development of Alabama's modern transportation system, continues to actively serve as a member of the Permanent Joint Highway Committee; and

WHEREAS, among other significant accomplishments, Senator Foshee is a member of the Legislative Council; a member of the University of South Alabama's Board of Trustees, and serves by appointment as a member of the Board's Budget and Finance Committee; serves on the Legislative Oversight Committee of the Agricultural Development Authority; and he successfully passed the 1993 legislation that established the Alabama Insurance Board of which he is chairman; and

WHEREAS, Senator Crum Foshee, who has elected not to seek a seventh legislative term, is indeed one of Alabama's most prominent and forceful leaders, whose positive impact upon the State of Alabama, and on legislative affairs at both the regional and national levels, has been of inordinate benefit, and will be greatly missed; now therefore,

BE IT RESOLVED THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding leadership and dedicated service to the Alabama Legislature, and to the State of Alabama and all citizens thereof, we hereby most highly commend Eugene Crum Foshee of Andalusia, Alabama, a valued friend and colleague whom we hold in highest personal regard, and to whom a copy of this resolution shall be presented.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 130. RECOGNIZING THE 50TH ANNIVERSARY OF THE SMOKEY BEAR CAMPAIGN.

WHEREAS, in the early 1940's, the United States was confronted with circumstances that justified promoting national awareness concerning the conservation of natural resources, especially timber; on December 7, 1941, the Japanese attacked our naval base at Pearl Harbor, Hawaii, marking our entrance into the conflict of World War II; in early 1942, a Japanese submarine surfaced near the coast of southern California and fired shells that exploded close to the Los Padres National Forest; the destruction of timber could potentially hinder military operations; and

WHEREAS, to combat the threat, the United States Department of Agriculture, Forest Service, organized the Cooperative Forest Fire Prevention Campaign to encourage Americans to participate personally in fire prevention; the campaign eventually adopted the use of an animal to achieve greater public appeal; and

WHEREAS, on a hot, dry, spring day in 1950, a little bear cub became separated from its mother during a rapidly spreading fire in the Capitan Mountains of the Lincoln National Forest in New Mexico; fire fighters spotted the lone little bear close to the fire line and, later, when the smoke had cleared, found him badly burned and clinging to a charred and smoking snag that was once a tree; and

WHEREAS, "Smokey", appropriately named after the poster fire prevention bear, was rescued and soon became the living symbol of his namesake, Smokey Bear; in June of 1950 "Smokey" was released to the Forest Service "to be dedicated to a publicity program of fire prevention and wildlife conservation," and was granted a permanent home at the National Zoo in Washington, D.C.; and

WHEREAS, the name of Smokey Bear is synonymous with fire prevention and the protection and appreciation of our great and limited national resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in acknowledgement of this milestone in the history of fire prevention, we recognize the enduring legacy of Smokey Bear and remember the important message he has conveyed for fifty years, "Only You Can Prevent Forest Fires."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided with sincere regard and best wishes to the United States Forest Service for many more years of continued success of the Smokey Bear Campaign.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, and Figures requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 131. COMMENDING CAPTAIN MARTY STAPLETON OF THE UNITED STATES COAST GUARD FOR EXCEPTIONAL COURAGE AND INITIATIVE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Captain Marty Stapleton, a man of great and selfless courage, who was recently awarded the Coast Guard Public Service Commendation for his swift and sure action in responding to the USNS

CAPE JACOB tow breakaway south of Dauphin Island, Alabama, on December 13, 1993; and

WHEREAS, on that date, Captain Stapleton was alerted that, upon exiting the Mobile Ship Canal and encountering severe weather with 25-knot winds and 15 to 18 foot seas, the towline to the USNS CAPE JACOB had parted and the 562 foot break-bulk freighter was drifting at approximately five knots toward numerous production platforms and natural gas pipelines south of Dauphin Island, Alabama; and

WHEREAS, Captain Stapleton, and senior pilot, Captain Roger Cook, skillfully maneuvered their Coast Guard vessel through menacing seas and alongside the drifting freighter; boarded the unfamiliar freighter, quickly calculated that a large Exxon platform, with 23 individuals on board, was directly in its drift path, dropped anchor, hoped for the best, and returned to their own vessel; and

WHEREAS, the soft sand bottom, raging seas, and high drift speed prevented the freighter's anchor from catching for an additional two miles of drifting, the anchor eventually caught and held fast when within one nautical mile of the Exxon platform and within forty feet from a high pressure, 16-inch natural gas pipeline; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his courageous and self-sacrificing actions, which prevented an extraordinary tragedy, we hereby most highly commend Captain Marty Stapleton, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, and Figures then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 132. COMMENDING CAPTAIN ROGER COOK OF THE UNITED STATES COAST GUARD FOR EXCEPTIONAL COURAGE AND INITIATIVE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Captain Roger Cook, a man of great and selfless courage, who was recently awarded the Coast Guard Public Service Commendation for his swift and sure action in responding to the USNS CAPE

JACOB tow breakaway south of Dauphin Island, Alabama, on December 13, 1993; and

WHEREAS, on that date, Captain Cook was alerted that, upon exiting the Mobile Ship Canal and encountering severe weather with 25-knot winds and 15 to 18 foot seas, the towline to the USNS CAPE JACOB had parted and the 562 foot break-bulk freighter was drifting at approximately five knots toward numerous production platforms and natural gas pipelines south of Dauphin Island, Alabama; and

WHEREAS, Captain Cook, and apprentice pilot, Captain Marty Stapleton, skillfully maneuvered their Coast Guard vessel through menacing seas and alongside the drifting freighter; boarded the unfamiliar freighter, quickly calculated that a large Exxon platform, with 23 individuals on board, was directly in its drift path, dropped anchor, hoped for the best, and returned to their own vessel; and

WHEREAS, the soft sand bottom, raging seas, and high drift speed prevented the freighter's anchor from catching for an additional two miles of drifting, the anchor eventually caught and held fast when within one nautical mile of the Exxon platform and within forty feet from a high pressure, 16-inch natural gas pipeline; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his courageous and self-sacrificing actions, which prevented an extraordinary tragedy, we hereby most highly commend Captain Roger Cook, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 526, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Underwood, and Waggoner -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 526. Relating to Madison County; creating and establishing a public agency in the City of Huntsville and Madison County to act as a clearinghouse for all activities that promote individual responsibility among youth and prohibit prospective antisocial behavior by youth.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., HB 870, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 870. To further amend Section 6 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to Shelby County and providing a personnel board for county law enforcement officers, to further

provide for the compensation of the members of the board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., HB 867, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Escott-Russell, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 867. Relating to Bibb County; to authorize the Bibb County Commission to expend funds from the Public Highway and Traffic Fund to enforce state traffic and motor vehicle laws.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Langford, Lipscomb,

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Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Underwood, and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., HB 866, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 866. Relating to Bibb County; authorizing the county commission to establish and administer an equitable countywide personnel system for county employees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Foshee, Hale, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., HB 865, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 865. Relating to Bibb County; authorizing the county commission to collect certain local taxes, licenses, fees, and other fees, charges, and revenues, currently being collected by the State Department of Revenue that are levied by the county commission pursuant to local law.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., HB 835, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Underwood -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 835. Relating to Marengo County; authorizing the county

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commission to call a referendum concerning emergency telephone service.
was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Wilson
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Wilson, B.I.R., HB 783, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (B), Underwood, Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 783. Relating to Pickens County; to amend Act No. 87-511, H. 946, 1987 Regular Session, which provides for the expense allowance of the county coroner and to further provide for compensation of the county coroner.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem,

Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R, HB 768, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 768. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for firefighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County; and to repeal Act No. 93-342, H. 970, 1993 Regular Session.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., HB 764, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Mitchell, Mitchem, Owens, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 764. Relating to Geneva County; authorizing the county commission to levy a special recording fee in addition to all existing recording fees and charges for each document filed for record in Geneva County; to provide for the deposit of the revenue in the general fund of the county on a monthly basis to be used for general county purposes.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Figures, Floyd, Foshee, Hale, Hill, Horn, Little, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., HB 763, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 763. Relating to Geneva County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, Waggoner, and Wilson - 25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., HB 761, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 761. Relating to Geneva County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill, SB 477.

Senator Corbett, B.I.R., SB 477, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 477. To amend Section 37-3-4, Code of Alabama 1975, relating to the regulation of motor carriers by the Public Service Commission, by adding motor carriers who transport mobile homes to the exemptions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom
-25

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 133. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty- Fifth Legislative day only.

	Page
H. 698 University of Alabama-Birmingham, approp.	139
H. 194 Governor's commission on physical fitness, approp.	135
H. 201 Space Science Exhibit Commission, approp.	135
H. 318 Health Dept., supp. approp.	138
H. 251 Health Dept., approp.	137
H. 692 Health Dept., approp.	160
H. 177 Children's Advocacy Centers, Inc., approp.	34
H. 213 Project DARE and DON'T, approp.	157
H. 210 Youth Services Dept., approp.	136
H. 285 Mental Health and Mental Retardation Dept., supp. approp., Act 93-772, Reg. Sess. 1993 am'd.	167

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H. 44	134
Gadsden St. Community College and Alabama St. University, approp.	
H. 609	154
Human Resources Dept., approp.	
H. 226	136
Sparks State Technical College, Ingram State Community College, supp. approp.	
H. 673	138
Attorney General's office, supp. approp.	
S. 610	134
Health Dept., approp.	
H. 291	137
Football playoffs conducted by primary and secondary public schools, tax exemption, continued collection and retention of funds by collecting school, Sec. 40-23-2 am'd.	
S. 145	20
Birmingham Bd. of Ed. Athletic Dept., approp.	
S. 146	19
University of Alabama-Birmingham, approp.	
H. 320	98
Insurance Dept., supp. approp. to implement Act 93-713 re explosives	
H. 192	83
Farmers' Market Authority, transfer of funds between programs, under, provided, Act 93-771 am'd.	
H. 751	160
Industrial Development Authority, supp. approp.	
H. 812	152
Economic and Community Affairs Dept., approp., Act 93-190, Reg. Sess. 1993 am'd.	
S. 209	93
Appropriation for payment of interest due federal government under cash management improvement act of 1990	

H. 84	97
Physical Therapy Bd., supp. approp.	
H. 92	82
Alcoholic Beverage Control Board, supp. approp.	
S. 354	43
Municipalities, may pledge all or part of a tax increment in order to incr. the amt. of bonds that may be issued, Sec. 11-99-6 am'd.	
S. 650	168
Crime victims, cert. rights estab.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-43, the annual report of the Joint Study Committee on Agriculture was filed with the Secretary.

UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 195. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

The question was on the Committee substitute, which said substitute was offered on the Twenty-Fourth Legislative Day.

On motion of Senator Horn, said substitute was laid on the table.

Senator Horn then offered the following substitute for the Bill, HB 195, to-wit:

SUBSTITUTE FOR HB 195

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Education for the fiscal year ending September 30, 1995, the following amounts from the Alabama Special Educational Trust Fund (ASETF) and Federal and Local Funds:

EDUCATION, DEPARTMENT OF:

(a) Direct Client Services for the Handicapped Program			87,394,694
The proposed spending plan for the ASETF moneys included in the above program is as follows:			
Homebound	2,956,361		
Hemophilia	995,535		
Children's Rehabilitation Services	6,090,331		
Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state Medicaid agency for services relating to scoliosis and spina bifida medical care.			
Rehabilitation Services	8,759,799		
Of the above appropriation to Rehabilitation Services, \$250,000 shall be used for the Deaf Support Service.			
Early Intervention Program	3,170,604		
The release of the above appropriation to the Early Intervention Program is conditioned upon the receipt of federal funds supporting this program.			
SOURCE OF FUNDS:			
(1) ASETF.....	21,972,630		
(2) Federal and Local Funds ..		65,422,064	
Total Direct Client Services for the Handicapped Program	21,972,630	65,422,064	87,394,694
(b) Disability Determination for Social Security Program			30,522,911
SOURCE OF FUNDS:			
(1) Federal and Local Funds ..		30,522,911	
Total Disability Determination for Social Security Program ..		30,522,911	30,522,911
TOTAL DEPARTMENT OF EDUCATION:			

SOURCE OF FUNDS:			
(1) ASETF	21,972,630		
(2) Federal and Local Funds .		95,944,975	
<hr/>			
TOTAL DEPARTMENT OF EDUCATION	21,972,630	95,944,975	117,917,605
<hr/>			

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975; (b) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce; (c) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school-age children to attend school.

Section 3. The Department of Education is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1995.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1994.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -30

Nays:

- 0

And said Bill, HB 195, as thus amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -30

Nays:

- 0

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Senators Dial and Hale:

S. 679. To amend Section 38-4-12 of the Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors, Alabama Veterans Foundation, and the Alabama National Guard Historical Society.

Committee on Finance
and Taxation

On motion of Senator Dial, Rule 11 was suspended.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 665. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 90. ESTABLISHING AN ADVISORY COMMITTEE ON THE LOCATION OF THE NATIONAL BIOMEDICAL TRACER FACILITY IN THE STATE OF ALABAMA.

Also:

SJR 95. PROMOTING THE APPOINTMENT OF WOMEN TO STATE AND PUBLIC BOARDS, COMMISSIONS, AND AUTHORITIES.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 698, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -30

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 698. To appropriate \$300,000 from the Alabama Special

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Educational Trust Fund in the State Treasury to the Minority Training/Economic Development Program at the University of Alabama at Birmingham for the 1994-95 fiscal year.

having been postponed on the Twenty-Third Legislative Day.

Senator Horn offered the following substitute for the Bill, HB 698, to-wit:

SUBSTITUTE FOR HB 698

**A BILL
TO BE ENTITLED
AN ACT**

To appropriate \$250,000 from the Alabama Special Educational Trust Fund in the State Treasury to the Minority Training/Economic Development Program at the University of Alabama at Birmingham for the 1994-95 fiscal year.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, HB 698, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 194, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 194. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995.

was read a third time at length and passed.

Yeas 28 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom -28

Nay: Senator Hill

- 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 542. To amend Section 3 of Act No. 84-441, H. 789, 1984 Regular Session, to provide per diem and travel allowances for members of the board of directors of the Jackson County Economic Development Authority.

Also:

S. 573. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County; and repealing Act No. 93-844, H. 67 of the First Special Session, relating to the operation of a lottery in Covington County is specifically repealed.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 120. RECOGNIZING FREDERICK DOUGLAS REESE FOR DEDICATED COMMITMENT TO THE CAUSE OF FREEDOM AND HUMAN RIGHTS.

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Also:

SJR 121. RECOGNIZING THE REVEREND JAMES ORANGE FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

SJR 122. COMMENDING G. F. SHIELDS HIGH SCHOOL BOYS BASKETBALL TEAM 2A CHAMPIONSHIP.

Also:

SJR 123. SUPPORTING PENDING FEDERAL LEGISLATION S. 371, THE "MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT."

Also:

SJR 124. COMMENDING DUANE WEBSTER ON INDUCTION INTO ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION SPORTS HALL OF FAME.

Also:

SJR 126. NAMING THE PORTION OF U.S. HIGHWAY 431 FROM THE NORTH END OF THE VETERANS MEMORIAL BRIDGES AT GUNTERSVILLE, ALABAMA, TO THE INTERSECTION AT SNUG HARBOR ROAD, THE "GEORGE S. HOUSTON PARKWAY."

Also:

SJR 127. COMMENDING FRANK L. KENDRICKS ON THE OCCASION OF HIS 100TH BIRTHDAY.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 201, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, deGraffenried, Denton, Dial, Dixon, Escott-Russell,

Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -26

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 201. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1995, for educational purposes.

was taken up.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 201, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 318, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -26

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 318. To make a supplemental appropriation to the Department of Public Health for the fiscal year ending September 30, 1994, for educational purposes related to the training of counselors in long-term care facilities.

was taken up.

On motion of Senator Horn, the Rules were suspended and further

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consideration of the Bill, HB 318, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 251, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 251. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1995, for educational purposes.

was taken up.

Senator Horn offered the following substitute for the Bill, HB 251, to-wit:

SUSBTITUTE FOR HB 251

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1995, for educational purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995, the sum of \$10,002,159.

- (a) Health Support Services Program 5,527,795
The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, immunization activities at the county level, patient education and child health.
- (b) Personal Health Services Program 3,297,539
The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, patient education and nursing services.
- (c) Administrative Services Program 526,825
The above appropriation shall be expended for the continuation of the program on Primary Preventive Health Education.
- (d) Rural Nurses Training Program 400,000
- (e) Long-term Care Counselor Training 250,000
The above appropriation shall be expended for the training of counselors in long-term care facilities.
- (f) ALERT Fund 750,000

To be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor. Upon release, the above appropriation shall be expended as provided for in Section 22-30B-19, Code of Alabama 1975.

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education, patient education, rural nurses training and the training of long-term care counselors.

Section 3. The funds appropriated above shall be used to fund only those programs listed and for only the amounts listed. Funds not used for listed programs shall revert to the Alabama Special Educational Trust Fund at the end of the fiscal year.

Section 4. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 5. This act shall become effective on October 1, 1994.

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Senator Parsons offered the following amendment to the substitute for the Bill, HB 251, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 251

Amend the substitute for HB 251 Page 7 Line 26, as follows:

delete the words "include but not"

On motion of Senator Horn, said amendment was laid on the table.

Yeas 18 Nays 6

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-18

Nays:

Senators:

Amari, Bedsole, Floyd, Hill, Parsons, and Underwood
- 6

And said substitute was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom
-26

Nays:

- 0

And said Bill, HB 251, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom
-26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 692, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 692. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1995.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute, as amended, for the Bill, HB 692, to-wit:

SUBSTITUTE, AS AMENDED, FOR HB 692**A BILL
TO BE ENTITLED
AN ACT**

To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$4,180,831 out of the funds accruing to the Alabama Special Educational Trust Fund after the effective date of this act to be used for the support and maintenance of the Emergency Medical Services Programs as follows:

(1) Alabama Department of Public Health for funding the Birmingham Regional Emergency Medical Services System, \$320,512.

(2) Alabama Department of Public Health for funding East Alabama Emergency Medical Services, Inc., \$320,512.

(3) Alabama Department of Public Health for funding North Alabama Emergency Medical Services, Inc., \$320,511.

(4) Alabama Department of Public Health for funding Southeast Alabama Emergency Medical Services, Inc., \$320,511.

(5) Alabama Department of Public Health for funding Southwest Alabama Emergency Medical Services, Inc., \$320,511.

(6) Alabama Department of Public Health for funding West Alabama Emergency Medical Services, Inc., \$320,511.

(7) Alabama Department of Public Health for funding regional equipment and training grant funds for emergency medical services, \$379,594.

(8) Alabama Department of Public Health for improvement in emergency medical services through services offered at the state level, \$230,839.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) shall be disbursed by contract with the agencies named for placement in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment and tuition and expenses for training by emergency medical services providers. Funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereafter referred to as the Commission) shall expend the funds that are appropriated for such purpose by the Legislature by making

grants to state junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1995, the Commission shall expend the sum of \$1,647,330 for purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof and of the amount above of \$1,647,330, not less than \$100,000 shall be granted to S.D. Bishop State Junior College and shall be subject to all conditions imposed by the Emergency Medical Services Education Commission on other grantees.

Section 4. Grants from the Commission shall contain such conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require audited financial statements as a condition of grant acceptance.

Section 5. This act shall become effective on October 1, 1994 after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

And said Bill, HB 692, as thus amended, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 177, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -24

Nays:

- 0

FURTHER CONSIDERATION OF HB 177

The Senate proceeded to further consideration of the Bill:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

having been postponed on the Thirteenth Legislative Day.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 177, to-wit:

SUBSTITUTE FOR HB 177

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, HB 177, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 177

Amend the substitute for HB 177 on Page 2, after Line 23, by inserting the following:

“16. Child Advocacy Center of Dothan, Inc. 45,398”.

On motion of Senator Bailey, said amendment was laid on the table.

And on motion of Senator Bailey, said substitute was laid on the table.

Senator Bailey then offered the following substitute for the Bill, HB 177, to-wit:

SUBSTITUTE FOR HB 177

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Child Advocacy Centers from the State General Fund the sum of \$726,368. Said appropriation is to be used for the support and maintenance of said centers as follows:

1. Prescott House-Birmingham	45,398
2. National Children's Advocacy Center, Inc.-Huntsville	45,398
3. The Child Advocacy Center, Inc.-Mobile.....	45,398
4. Montgomery Child Protection and Advocacy Center, Inc ..	45,398
5. Tuscaloosa Children's Center, Inc	45,398
6. Bessemer Cut-off Advocacy Center, Inc	45,398
7. Blount County Children's Center, Inc	45,398
8. Gadsden-Etowah County Children's Advocacy Center, Inc	45,398
9. CARE House-Baldwin County.	45,398
10. Calhoun-Cleburne Children's Center, Inc	45,398
11. Northwest Alabama Children's Center.....	45,398
12. Alabama Network of Child Advocacy	45,398
13. DeKalb County Child Advocacy Center	45,398
14. St. Clair County Child Advocacy Center	45,398
15. Shelby County Advocacy Center, Inc.....	45,398
16. Candace Reynolds Child Advocacy Center	45,398

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Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, operations plans for fiscal year 1994-95 and audited financial statements for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1994.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -24

Nays:

- 0

Senator Little offered the following amendment to the Bill, HB 177, as amended by the substitute, to-wit:

AMENDMENT TO HB 177, AS AMENDED

On page 2, line 26, insert a new 17 as follows:

17. Lee - Scan of Lee County.....\$30,000, conditioned upon certification.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -24

Nays:

- 0

And said Bill, HB 177, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 213, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 213. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

Senator Hale offered the following substitute for the Bill, HB 213, to-wit:

SUBSTITUTE FOR HB 213

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Project DARE and the DON'T -

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Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$624,339 from the Alabama Special Educational Trust Fund to be used for the support and maintenance of the following drug education programs:

(a) Project DARE - Cullman	300,346
(b) Project DARE - Birmingham	162,673
(c) Project DARE - Bessemer	26,320
(d) Project DARE - Vestavia Hills	15,000
(e) Project DARE - Hoover	15,000
(f) DON'T - Cullman County	75,000
(g) Project DARE - Northeast Alabama	30,000

Section 2. The above appropriated funds are to be expended for instruction and materials related to drug education in the public schools.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective on October 1, 1994.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 213, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 210, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 210. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 210, to-wit:

SUBSTITUTE FOR HB 210

A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services \$2,200,000

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for the fiscal year ending September 30, 1994. Of the amount appropriated in this section, \$1,500,000 shall be expended for capital outlay for a new facility, which shall include fencing, repairs and closing costs. This appropriation shall be in addition to any and all other funds appropriated to the Department.

Section 2. In addition, there is also hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services for the C.I.T.Y. programs the sum of \$400,000 for the fiscal year ending September 30, 1994.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

And said Bill, HB 210, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, HB 202.

Senator Barron, B.I.R., HB 202, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 202. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 202, to-wit:

SUBSTITUTE FOR HB 202

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

On motion of Senator Barron, said substitute was laid on the table.

Senator Barron then offered the following substitute for the Bill, HB 202, to-wit:

SUBSTITUTE FOR HB 202

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Youth Services for

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the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 1995, the following amounts from the Alabama Special Educational Trust Fund (ASETF) and Federal and Local Funds:

Fund Sources Included			
<u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
<hr/>			
YOUTH SERVICES, DEPARTMENT OF:			
(a) Youth Services Program			27,225,388
SOURCE OF FUNDS:			
(1) ASETF	25,920,297		
(2) Federal and Local Funds .		1,305,091	
<hr/>			
Total Department of Youth Services	25,920,297	1,305,091	27,225,388
<hr/>			
Of the above appropriation, the sum of \$65,000 shall be used to fund a Juvenile Justice Al- ternative Detention Pilot pro- gram study.			

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. Of the above appropriation to the Department of Youth Services, (1) the amount of \$100,000 shall be expended for the Youth Center in Chilton County and (2) the amount necessary shall be expended to reestablish the welding program at the youth facility at Mount Meigs.

Section 4. The Department of Youth services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1994-95.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on October 1, 1994.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

And said Bill, HB 202, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 285, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 285. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H.222, 1993 Regular Session, to make a

conditional appropriation to the Department of Mental Health and Mental Retardation.

was taken up.

The Standing Select Committee on Fiscal Responsibility reported the following substitute for the Bill, HB 285, to-wit:

SUBSTITUTE FOR HB 285

**A BILL
TO BE ENTITLED
AN ACT**

To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H. 222, 1993 Regular Session, to make a conditional appropriation to the Department of Mental Health and Mental Retardation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 3A. 27. of Act 93-772, H. 222, 1993 Regular Session, is amended to read as follows:

**"27. MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program	7,046,454
Of the above appropriation, \$2,828,703 shall be expended at the Eufaula Adolescent Cen- ter.	
(b) Institutional Treatment and Care-Mental Retardation Pro- gram	2,265,485
(c) Alzheimer's Disease Educa- tion and Training Program	150,000
SOURCE OF FUNDS:	
(1) ASETF	9,461,939
Total Department of Mental Health and Mental Retardation	9,461,939 9,461,939

In addition to the above appropriation to the Department of Mental Health and Mental Retardation, there is also hereby appropriated the sum of \$5,000,000 to be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

Senator Dial offered the following substitute for the Bill, HB 285, as amended by the substitute, to-wit:

SUBSTITUTE FOR HB 285, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H. 222, 1993 Regular Session, to make a conditional appropriation to the Department of Mental Health and Mental Retardation; and to make a supplemental and additional appropriation from the Alabama Special Educational Trust Fund to the Local Boards Program of the State Board of Education for Teachers' Sick Leave, Support Personnel Sick Leave, Teachers' Personal Leave, and Support Personnel Personal Leave for the 1993-94 fiscal year ending September 30, 1994.

Which was lost.

Yeas 11 Nays 21

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Dial, Ellis, Hale, Mitchem, Owens, Parsons, Smith (J), and Underwood -11

Nays:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, Denton, Dixon, Escott-Russell,

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Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Smith (B), Waggoner, Wilson, and Windom -21

And said Bill, HB 285, as thus amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -30

Nays:

- 0

Senator Barron moved that the Senate reconsider the vote by which the Bill, HB 285, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 542. To amend Section 3 of Act No. 84-441, H. 789, 1984 Regular Session, to provide per diem and travel allowances for members of the board of directors of the Jackson County Economic Development Authority.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 120. RECOGNIZING FREDERICK DOUGLAS REESE FOR DEDICATED COMMITMENT TO THE CAUSE OF FREEDOM AND HUMAN RIGHTS.

Also:

SJR 121. RECOGNIZING THE REVEREND JAMES ORANGE FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

SJR 122. COMMENDING J. F. SHIELDS HIGH SCHOOL BOYS BASKETBALL TEAM 2A CHAMPIONSHIP.

Also:

SJR 123. SUPPORTING PENDING FEDERAL LEGISLATION S. 371, THE "MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT."

Also:

SJR 124. COMMENDING DUANE WEBSTER ON INDUCTION INTO ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION SPORTS HALL OF FAME.

Also:

SJR 126. NAMING THE PORTION OF U.S. HIGHWAY 431 FROM THE NORTH END OF THE VETERANS MEMORIAL BRIDGES AT GUNTERSVILLE, ALABAMA, TO THE INTERSECTION AT SNUG HARBOR ROAD, THE "GEORGE S. HOUSTON PARKWAY."

Also:

SJR 127. COMMENDING FRANK L. KENDRICKS ON THE OCCASION OF HIS 100TH BIRTHDAY.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 573. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County; and repealing Act No. 93-844, H. 67 of the First Special Session, relating to the operation of a lottery in Covington County is specifically repealed.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 44, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 44. To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 23 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Waggoner, Wilson, and Windom -23

Nays:

Senators:

Dixon, Hill, and Underwood

- 3

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 609, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Underwood, Waggoner, and Wilson -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 609. To make a supplemental appropriation from the ABC Profits, the Whiskey Tax and the Alabama Special Educational Trust Fund to the Department of Human Resources for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 226, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 226. To make supplemental appropriations from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College and to Ingram State Community College for the fiscal year ending September 30, 1994.

was taken up.

Senator Foshee offered the following substitute for the Bill, HB 226, to-wit:

SUBSTITUTE FOR HB 226

**A BILL
TO BE ENTITLED
AN ACT**

To make supplemental appropriations from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College, Ingram State Community College, and Enterprise State Junior College for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College and to Ingram State Community College the sum of two hundred seventy-five thousand dollars (\$275,000) each, and to Enterprise State Junior College the sum of two hundred thousand dollars (\$200,000) for the fiscal year ending September 30, 1994. The appropriations made in this act are in addition to any and all other funds heretofore or hereafter appropriated to Sparks State Technical College, Ingram State Community College, and Enterprise State Junior College. It is the intent of the Legislature that the above appropriation is to provide an approved junior college base as provided to other community colleges in Act No. 93-722, H. 222, 1993 Regular Session.

Section 2. In addition to appropriations provided in Section 1, there is appropriated from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1994, for the prison education funding.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Barron moved that said substitute be laid on the table, which motion was lost.

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Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, Dial, Escott-Russell, Hale, Hill, Mitchem,
Underwood, and Waggoner -11

Nays:

Senators:

Campbell, Denton, Dixon, Foshee, Ghee, Langford, Lindsey, Little, Mitchell,
Wilson, and Windom -11

And said substitute was then adopted.

Yeas 14 Nays 10

Yeas:

Senators:

Campbell, deGraffenried, Denton, Dixon, Escott-Russell, Foshee, Ghee,
Langford, Lindsey, Lipscomb, Little, Mitchell, Wilson, and Windom -14

Nays:

Senators:

Bailey, Barron, Bolling, Corbett, Dial, Hale, Hill, Mitchem, Underwood,
and Waggoner -10

Senator Ghee offered the following amendment to the Bill, HB 226,
as amended by the substitute, to-wit:

AMENDMENT TO HB 226, AS AMENDED

On page 2, line 4 following the language "1994." by inserting the
following:

There is appropriated from the ASETF to Ayers State Technical
College \$200,000 for the fiscal year ending September 30, 1994.

Which was adopted.

Yeas 16 Nays 6

Yeas:

Senators:

Bailey, Barron, Campbell, Dixon, Escott-Russell, Foshee, Ghee, Hale,
Langford, Lipscomb, Mitchell, Mitchem, Owens, Waggoner, Wilson, and
Windom -16

Nays:

Senators:

Bolling, Denton, Hill, Lindsey, Little, and Underwood

- 6

Senator Mitchem offered the following amendment to the Bill, HB 226, as amended by the substitute, as amended, to-wit:

AMENDMENT TO HB 226, AS AMENDED

On page 2 line 4 following the language "1994." by inserting the following:

There is appropriated from the ASETF to Snead State Community College the sum of \$200,000 for the fiscal year ending September 30, 1994.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 226, as amended, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., HB 673, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 673. To provide a supplemental appropriation to the Office of the Attorney General in the amount of \$50,000 from the Attorney General's Litigation Support Fund and \$1,850,000 from the Attorney General's Special Revenue Fund for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey,

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Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 610, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 610. To make a supplemental appropriation to the Department of Public Health from the ALERT Fund in the amount of \$500,000 for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 291, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom

-26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 291, to-wit:

AMENDMENT TO HB 291

Amend HB 291 on Page 4, Lines 16 and 17, as follows:

By deleting the following underlined language:

“,including football playoffs under the auspices of an athletic association.”.

Further amend HB 291 on Page 4, Line 18 following the word “school” by inserting the following new underlined language:

“or any football playoff conducted by or under the auspices of the Alabama High School Athletic Association”.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial,

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Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays: - 0

And said Bill, HB 291, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 283. To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-1995 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 705. Pertaining to Madison County; amending Section 2 of Act No. 90-695, H. 789 of the 1990 Regular Session, (Acts 1990, p. 1350), relating to court costs, providing further for the disbursements of funds derived from sums collected; providing for the appointment of the Child Protection Board of Madison County; and establishing the powers and duties of the board.

Also:

H. 8. To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

Also:

H. 616. Relating to the Twenty-third Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

HJR 236. ESTABLISHING THE DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS AS A REPOSITORY FOR AUDIT REPORTS OF ENTITIES RECEIVING OR DISBURSING, OR BOTH, PUBLIC FUNDS.

Also:

HJR 278. RECOGNIZING THE CONTRIBUTIONS OF EXXON TO THE MOBILE AREA AND THE STATE OF ALABAMA.

Also:

HJR 301. COMMENDING MAJOR RODERICK ROY OF THE MOBILE POLICE DEPARTMENT.

Also:

HJR 307. HONORING MRS. KITTY STONE OF JACKSON, ALABAMA.

Also:

HJR 308. MOURNING THE DEATH OF W. C. BRAGG OF VERNON, ALABAMA.

Also:

HJR 309. COMMENDING COACH J. D. SHELWOOD, THE ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE SOUTHERN DIVISION COACH OF THE YEAR.

Also:

HJR 310. RECOGNIZING ROBERT JAMES MOORE ON HIS APPOINTMENT AS U. S. MARSHAL IN THE SOUTHERN DISTRICT OF ALABAMA.

Also:

HJR 311. COMMENDING TODD INGLE OF LYNN HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 312. COMMENDING TODD TITTLE OF LYNN HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 339. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

Also:

HJR 343. COMMENDING CAPTAIN CHARLES R. BRADFORD OF SCOTTSBORO, ALABAMA.

Also:

HJR 344. MOURNING THE DEATH OF MR. WILLIAM LARRY RIVENBARK OF OZARK, ALABAMA.

Also:

HJR 346. RECOGNIZING WALTER MALCOLM KENNEDY OF ST. CLAIR COUNTY UPON HIS RETIREMENT.

Also:

HJR 347. COMMENDING FRANK HARDY FOR HIS CONTRIBUTIONS TO THE SELMA YOUTH DEVELOPMENT CENTER.

Also:

HJR 348. COMMENDING MR. LARRY LAKES ON HIS BOXING ACCOMPLISHMENTS.

Also:

HJR 349. COMMENDING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 350. MOURNING THE DEATH OF DONALD C. DUPREE OF MONROVIA, ALABAMA.

Also:

HJR 351. COMMENDING MARSHALL E. MCGHEE FOR DISTINGUISHED PROFESSIONAL SERVICE.

Also:

HJR 352. RECOGNIZING BRISTO WILLIAM REESE FOR HIS HISTORICAL LEADERSHIP OF THE STATE OF ALABAMA, 1872-1876.

Also:

HJR 354. DESIGNATING "THE MAGNOLIA TRAIL."

Also:

HJR 275. COMMENDING MS. ELAINE F. THOMAS OF TUSKEGEE, ALABAMA, MS. SENIOR ALABAMA 1994.

Also:

HJR 276. COMMENDING ANNE JOLLY OF MOBILE, ALABAMA, AS STATE OF ALABAMA TEACHER OF THE YEAR, 1992-1993.

Also:

HJR 280. COMMENDING S. TRUETT CATHY FOR OUTSTANDING ACHIEVEMENT AND MAKING HIM AN HONORARY CITIZEN OF ALABAMA.

Also:

HJR 281. COMMEMORATING THE LIFE AND SERVICE OF THE LATE MRS. RUTH B. COOK OF FAIRFIELD, ALABAMA.

Also:

HJR 282. COMMENDING THE BUCKHORN HIGH SCHOOL LADY BUCKS AS THE 1994 STATE CLASS 4A GIRLS BASKETBALL CHAMPIONS.

Also:

HJR 283. CONGRATULATING MR. AND MRS. JAMES TANNER OF ALEXANDER CITY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

HJR 284. COMMENDING JAMES CULLINS ON HIS DISTINGUISHED LEGISLATIVE SERVICE AND CONTRIBUTIONS TO COMMUNITY AND STATE.

Also:

HJR 285. COMMENDING THE LYNN HIGH SCHOOL BEARS ON THE OUTSTANDING SUCCESS OF THEIR 1993 FOOTBALL SEASON.

Also:

HJR 294. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS OF UNIONTOWN, ALABAMA, THE 1994 STATE CLASS 3A BASKETBALL CHAMPIONS.

Also:

HJR 297. COMMENDING CAPTAIN JOHN CLOUD OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

HJR 298. CONGRATULATING THE MONTGOMERY SOUTHEAST BLUE ALL STARS ON THE EIGHT-YEAR-OLD YMCA STATE BASKETBALL CHAMPIONSHIP.

Also:

HJR 299. COMMENDING THE MONTGOMERY SOUTHEAST BLUE NINE-YEAR-OLD ALL STARS, 1994 YMCA STATE BASKETBALL CHAMPIONS.

Also:

HJR 300. COMMENDING THE MONTGOMERY SOUTHEAST BLACK 11-YEAR-OLD ALL STARS ON THE 1994 YMCA STATE BASKETBALL CHAMPIONSHIP.

Also:

HJR 305. HONORING JACK L. WALTON OF OPELIKA, ALABAMA, FOR DISTINGUISHED SERVICE.

Also:

HJR 319. COMMENDING ROBERT DAVID RHOADES OF SELMA, ALABAMA, ON HIS SELECTION AS GOODWILL AMBASSADOR OF 1994.

Also:

HJR 320. COMMENDING NAPOLEON CLEAVER.

Also:

HJR 323. COMMENDING HARRY FOX ON RECEIVING THE MELVIN JONES FELLOWSHIP AWARD FROM THE LIONS CLUBS INTERNATIONAL FOUNDATION FOR DEDICATED HUMANITARIAN SERVICES.

Also:

HJR 324. COMMENDING THE LOWERY QUARTET OF CHILTON COUNTY.

Also:

HJR 326. COMMENDING LAKEESHA CANNON OF LEFLORE HIGH SCHOOL FOR EXTRAORDINARY ATHLETIC ACHIEVEMENT.

Also:

HJR 328. NAMING THE STEPHANIE MARIE FRAZIER MEMORIAL BRIDGE IN CONECUH COUNTY.

Also:

HJR 329. COMMENDING MR. AND MRS. JOE BILL SATTERFIELD OF MONROVIA, ALABAMA.

Also:

HJR 330. COMMENDING THE STUDENT TEAMS OF BRAGG JR. HIGH SCHOOL AND GARDENDALE ELEMENTARY SCHOOL OF GARDENDALE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 338. COMMENDING DR. JOHN MOLAND, JR., OF ALABAMA STATE UNIVERSITY.

Also:

HJR 340. COMMENDING COMPANY B OF THE 151ST

**ENGINEER COMBAT BATTALION OF SCOTTSBORO, ALABAMA,
ON THEIR 44TH REUNION.**GREG PAPPAS,
Clerk.**SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 145, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom

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Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 145. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the restoration and preservation of the Rickwood Field Baseball Park for the fiscal year ending September 30, 1994.

was taken up.

Senator Dixon offered the following amendment to the Bill, SB 145, to-wit:

AMENDMENT TO SB 145

On page 1, lines 8 and 19, delete the word "appropriation" and insert in lieu thereof the word:

appropriations

On page 1, line 12, after the word "Park" insert the following:

and the Montgomery Paterson Baseball Field

On page 1, line 22, after the word "Park" insert the following:

and the Montgomery Paterson Baseball Field

On page 1, line 25, after "Section 1." insert:

(a)

On page 2, after line 4, insert the following:

(b) For the fiscal year ending September 30, 1994, there is hereby appropriated to the City of Montgomery for capital outlay for the restoration and preservation of Montgomery Paterson Baseball Field from the Alabama Special Education Trust Fund the sum of \$200,000.

On motion of Senator Horn, said amendment was laid on the table.

Yeas 13 Nays 11

Yeas:

Senators:

Campbell, deGraffenried, Escott-Russell, Figures, Horn, Lindsey, Little, Mitchem, Owens, Sanders, Underwood, Waggoner, and Wilson -13

Nays:

Senators:

Bailey, Dial, Dixon, Floyd, Foshee, Ghee, Hill, Langford, Lipscomb, Mitchell, and Smith (B) -11

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 145, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 761. Relating to Geneva County; authorizing the county

commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 763. Relating to Geneva County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Also:

H. 764. Relating to Geneva County; authorizing the county commission to levy a special recording fee in addition to all existing recording fees and charges for each document filed for record in Geneva County; to provide for the deposit of the revenue in the general fund of the county on a monthly basis to be used for general county purposes.

Also:

H. 783. Relating to Pickens County; to amend Act No. 87-511, H. 946, 1987 Regular Session, which provides for the expense allowance of the county coroner and to further provide for compensation of the county coroner.

Also:

H. 835. Relating to Marengo County; authorizing the county commission to call a referendum concerning emergency telephone service.

Also:

H. 865. Relating to Bibb County; authorizing the county commission to collect certain local taxes, licenses, fees, and other fees, charges, and revenues, currently being collected by the State Department of Revenue that are levied by the county commission pursuant to local law.

Also:

H. 866. Relating to Bibb County; authorizing the county commission to establish and administer an equitable countywide personnel system for county employees.

Also:

H. 867. Relating to Bibb County; to authorize the Bibb County

Commission to expend funds from the Public Highway and Traffic Fund to enforce state traffic and motor vehicle laws.

Also:

H. 870. To further amend Section 6 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to Shelby County and providing a personnel board for county law enforcement officers, to further provide for the compensation of the members of the board.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 768. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for firefighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County; and to repeal Act No. 93-342, H. 970, 1993 Regular Session.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary

of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 194. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 44. To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

Also:

H. 609. To make a supplemental appropriation from the ABC Profits, the Whiskey Tax and the Alabama Special Educational Trust Fund to the Department of Human Resources for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 193. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 193

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 193, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

TAYLOR HARPER,
SETH HAMMETT,
ALVIN HOLMES,

Conferees on the part of the House.

RYAN DEGRAFFENRIED,
FRED HORN,
DON HALE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 193**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1995, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1995, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment

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due shall be made from the fiscal year's appropriation in which the pay date falls.

		Fund Sources Included <u>In appropriation total</u>	
	ASETF	Earmarked Funds	Appropriation Total
SECTION 3.			
A. STATE AGENCIES:			
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:			
(a) Support of Other Educational Activities Program			101,816
SOURCE OF FUNDS:			
(1) ASETF	101,816		
Total American Legion and Auxiliary Scholarships	101,816		101,816
To be expended under the pro- visions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.			
2. ARCHIVES AND HISTORY, DE- PARTMENT OF:			
(a) Historical Educational Man- agement Program			485,000
SOURCE OF FUNDS:			
(1) ASETF	485,000		
Total Department of Archives and History	485,000		485,000
3. ARTS, STATE COUNCIL ON THE:			
(a) Fine Arts Program			3,043,648
SOURCE OF FUNDS:			
(1) ASETF	2,021,048		
(2) Federal and Local Funds .		1,022,600	
Total State Council on the Arts	2,021,048	1,022,600	3,043,648
4. BUSKEY PENNY TRUST FUND:			
(a) Special Services Program, Estimated			30,000
SOURCE OF FUNDS:			

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
(1) ASETF-Transfer	30,000		
Total Buskey Penny Trust Fund	30,000		30,000
In accordance with Sections 41- 15A-10 through 41-15A-12, Code of Alabama 1975.			

**5. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:**

(a) Social Services Program		932,000
In accordance with Sections 26- 16-1 et seq., Code of Alabama 1975.		
SOURCE OF FUNDS:		
(1) ASETF	932,000	
Total Child Abuse and Ne- glect Prevention Board	932,000	932,000

6. DEBT SERVICE:

(a) Debt Service Program	738,702
For interest on endowments as follows:	
For interest on University of Montevallo (Alabama College) Endowment 123,958	
For interest on Auburn Univer- sity Endowment 20,280	
For interest on University of Alabama Endowment.. 61,000	
For interest on Grove Hill En- dowment 600	
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands, Estimated 410,000	
Interest on School Indemnity Lands, Estimated 90,000	
Interest on Valueless 16th Sec- tion Lands 5,825	
Interest on Surplus Revenue 26,764	
Interest on James Wallace Fund <u>275</u>	
Total Interest on Public School Fund Endowment	532,864

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) ASETF	738,702		
Total Debt Service	738,702		738,702

**7. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program			159,286
SOURCE OF FUNDS:			
(1) ASETF	159,286		
Total Board of Dental Schol- arship Awards	159,286		159,286
To be expended under the pro- visions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81.			

**8. EDUCATION, DEPARTMENT
OF:**

(a) Administrative Services Pro- gram	20,080,867
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:	
Compact for Education . 43,623	
Operations and Maintenance of Department.....	4,347,032
Homework Hotline Assistance Program	84,600
Leadership and Manage- ment	957,952
Teacher Workshops to be spon- sored by the Southern Center for International Studies	50,000
General Administrative Services-Technical Assis- tance	50,000
Civic Education Project	50,000
Educational Leadership Development	250,000
Electronic Network ...	282,000
Saturday School Pilot Program at the University of Alabama in Tuscaloosa	70,000
SOURCE OF FUNDS:	

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(1) ASETF	6,185,207		
(2) Federal and Local Funds .		13,895,660	
Total Administrative Services Program	6,185,207	13,895,660	20,080,867
(b) Adult Basic Education Pro- gram			12,199,923
SOURCE OF FUNDS:			
(1) ASETF	3,932,728		
(2) Federal and Local Funds .		8,267,195	
Total Adult Basic Education Program	3,932,728	8,267,195	12,199,923
(c) Community Education Pro- gram			1,218,735
Of the above appropriation to the Department of Education for Community Education, \$76,928 shall be allocated to the Birmingham Board of Edu- cation, Department of Commu- nity Education and \$70,000 shall be expended for the Montgomery County Commu- nity Education Program.			
SOURCE OF FUNDS:			
(1) ASETF	1,014,144		
(2) Federal and Local Funds .		204,591	
Total Community Education Program	1,014,144	204,591	1,218,735
(d) Financial Assistance Program			357,593,387
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:			
Alabama Building Commis- sion	450,000		
Elementary Teachers Scholar- ships	21,503		
To be paid in accordance with Code of Alabama 1975, Section 16-23-17.			
Teacher Inservice Centers/ Promising Educational Prac- tices Collection and Dissemi- nation	2,346,067		
The State Board of Education shall administer the Inservice Educational Centers and shall			

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Fund Sources Included
In appropriation total

ASETF	Earmarked Funds	Appropriation Total
<p>monitor said centers for compliance with established accountability standards. Of the above appropriation, \$150,299 may be used by the State Board of Education for the administration and monitoring of said centers and for the Promising Educational Practices function. The above appropriation shall be distributed in the following manner:</p> <p>(aa) The sum of \$74,707 shall be distributed to each of the following in-service centers:</p> <p>(1) Alabama A&M University (2) Alabama State University (3) Athens State College (4) Auburn University (5) Jacksonville State University (6) Troy State University (7) University of Alabama (8) University of Alabama at Birmingham (9) University of Montevallo (10) University of North Alabama (11) University of South Alabama</p> <p>(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1993-94, and the number of teachers employed as reported on the 1993-94 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1,</p>		

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		Fund Sources Included <u>In appropriation total</u>		
		ASETF	Earmarked Funds	Appropriation Total
1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education. It is the intent of the Legislature that the collection and dissemination of teaching strategies and methods deemed "Promising Educational Practices" be coordinated and monitored by the State Board of Education and that the information relating to such practices shall be disseminated through the eleven in-service centers listed above.				
State Occupational Information Coordinating Committee				200,000
SOURCE OF FUNDS:				
(1) ASETF	3,017,570			
(2) Federal and Local Funds .		354,575,817		
Total Financial Assistance Program	3,017,570	354,575,817		357,593,387
(e) Alabama Young Farmers Education Program				45,252
SOURCE OF FUNDS:				
(1) ASETF	45,252			
Total Alabama Young Farmers Education Program	45,252			45,252
(f) Financial Assistance-Pre-School Program				2,950,000
To be used to fund pre-school programs for children with disabilities in conjunction with the remedy order in the school equity lawsuit and to implement Act 91-474. In addition to the above appropriation, there is hereby appropriated \$822,000 to the Financial Assistance-Pre-School Program from the ASETF to be conditioned on a demonstrated need, recommen-				

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
dation of the Director of Finance and the approval of the Governor.			
SOURCE OF FUNDS:			
(1) ASETF	2,950,000		
Total Financial Assistance- Pre-School Program	2,950,000		2,950,000
(g) Instructional Technical Assistance Program			11,644,975
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Basic Skills Program 890,218			
Early Childhood Education Administration 93,344			
Instructional Technical Assistance 1,205,699			
Special Education Administration 378,198			
Vocational Education Administration 939,368			
National Geographic Grant-Matching Funds 45,252			
Drug Education 40,945			
Teaching Children with Disabilities Administration Program 100,000			
SOURCE OF FUNDS:			
(1) ASETF	3,693,024		
(2) Federal and Local Funds .		7,951,951	
Total Instructional Technical Assistance Program	3,693,024	7,951,951	11,644,975
(h) Local Agency Support Program			33,855,370
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Advanced Placement .. 413,775			
School Bus Driver Training and Vehicle Safety Inspection 545,315			
Free Textbooks 26,734,770			
Guidance and Counseling 177,852			
Operations and Main-			

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
tenance 106,424			
School Attendance 165,632			
School Facilities and Architectural Services 182,858			
Testing 2,192,289			
Emergency Food Assistance and Child Nutrition Programs 62,285			
SOURCE OF FUNDS:			
(1) ASETF	30,581,200		
(2) Federal and Local Funds .		3,274,170	
Total Local Agency Support Program	30,581,200	3,274,170	33,855,370
(i) Regulation Program			2,280,875
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Teacher Certification and Accreditation			
Undergraduate/Graduate Program Approval 236,158			
Operations and Maintenance 446,485			
SOURCE OF FUNDS:			
(1) ASETF	1,233,343		
(2) Federal and Local Funds .		1,047,532	
Total Regulation Program	1,233,343	1,047,532	2,280,875
(j) Support of Other Educational Activities Program			15,000
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Education of Dependents of Blind Parents 15,000			
SOURCE OF FUNDS:			
(1) ASETF	15,000		
Total Support of Other Educational Activities Program ...	15,000		15,000
For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of			

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		<u>Fund Sources Included In appropriation total</u>	
	ASETF	Earmarked Funds	Appropriation Total
<hr/>			
Alabama 1975, Sections 16-33-1 through 16-33-12.			
(k) Support of State Universities Program			50,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds .		50,000	
Total Support of State Universities Program		50,000	50,000
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(l) Multi-System Evaluation Center Program			94,000
SOURCE OF FUNDS:			
(1) ASETF	94,000		
Total Multi-System Evaluation Center Program	94,000		94,000
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(m) Education Specialist for Litter Education Program			50,000
SOURCE OF FUNDS:			
(1) ASETF	50,000		
Total Education Specialist for Litter Education Program	50,000		50,000
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(n) Alabama Center for Law and Civic Education			56,000
SOURCE OF FUNDS:			
(1) ASETF	56,000		
Total Alabama Center for Law and Civic Education	56,000		56,000
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(o) Alabama Writing Project			100,000
SOURCE OF FUNDS:			
(1) ASETF	100,000		
Total Alabama Writing Project	100,000		100,000
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(p) Minority Student Recruitment Program			125,000
SOURCE OF FUNDS:			
(1) ASETF	125,000		
Total Minority Student Recruitment Program	125,000		125,000
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(q) Coordinator of School Health Services			62,500
SOURCE OF FUNDS:			
(1) ASETF	62,500		
Total Coordinator of School Health Services	62,500		62,500
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(r) PALS - Litter Education Program			151,640

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		Fund Sources Included <u>In appropriation total</u>	
	ASETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) ASETF	151,640		
Total PALS - Litter Education Program	151,640		151,640
This program shall be admin- istered in coordination with the Alabama Forestry Com- mission.			
(s) Cahawba Advisory Board			75,000
SOURCE OF FUNDS:			
(1) ASETF	75,000		
Total Cahawba Advisory Board	75,000		75,000
(t) Math, Science and Debate Competition Program			50,000
SOURCE OF FUNDS:			
(1) ASETF	50,000		
Total Math, Science and De- bate Competition Program	50,000		50,000
The above appropriation to the State Department of Edu- cation for Math, Science and Debate Competition Program shall be administered in such a way that it does not dis- criminate against any student on the basis of race, sex, reli- gion or school of choice. The State Department of Educa- tion shall encourage all stu- dents and schools, whether public or private, to engage in academic competition, and all students eligible for regional and national competition shall be encouraged, and to the extent of this appropria- tion shall be supported to compete at such levels so that the best students of the state can compete and represent Alabama at regional and na- tional levels.			
(u) Alabama Rural Community Fire Protection Institute			100,000
SOURCE OF FUNDS:			
(1) ASETF	100,000		

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
Total Alabama Rural Community Fire Protection Institute .	100,000		100,000
For use in furnishing assistance in the teaching of fire prevention and fire safety in the public schools of Alabama.			
(v) Automotive Technology Pilot Program			250,000
This pilot program shall be conducted at a site chosen by the State Superintendent of Education.			
SOURCE OF FUNDS:			
(1) ASETF	250,000		
Total Automotive Technology Pilot Program	250,000		250,000
TOTAL DEPARTMENT OF EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF	53,781,608		
(2) Federal and Local Funds .		389,266,916	
GRAND TOTAL DEPARTMENT OF EDUCATION	53,781,608	389,266,916	443,048,524
In addition to the above appropriation to the State Department of Education, there is also hereby appropriated the sum of \$200,000 for the Inspector Detector Program to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.			

9. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program			1,500,000
SOURCE OF FUNDS:			
(1) ASETF	1,500,000		
Total Department of Examiners of Public Accounts ...	1,500,000		1,500,000

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		Fund Sources Included <u>In appropriation total</u>		
		ASETF	Earmarked Funds	Appropriation Total
10. K-12 FOUNDATION PROGRAM AND EQUITY				
FUND:			1,807,920,473
SOURCE OF FUNDS:				
(1) ASETF	1,745,243,988			
(2) Public School Fund			58,000,000	
(3) Local Funds			4,676,485	
Total K-12 Foundation Program and Equity Fund	1,745,243,988	62,676,485		1,807,920,473

The above appropriation shall be distributed according to the laws governing the distribution of funds to public schools in effect on October 1, 1994. Such distribution shall include funding for teachers' and support personnel salaries including an 8.5% pay raise for teachers and support personnel pursuant to House Bill 283 of the 1994 Regular Session; operation of a transportation program; sick and personal leave for teachers and support personnel; classroom instructional supplies; special education program including funding for special schools for special education; maintenance for public schools; kindergarten program; vocational education; teacher aides; public school libraries and librarians; guidance counselors; the employers' share of social security payments; capital outlay funds for the replacement of school buses (especially funds for pre-1978 school buses); classroom education technology program; and such other educational opportunities in the form of educational facilities, programs, and services as may be determined to provide an adequate, equitable and appropriate education for all students, including students with disabilities, at-risk students, vocational education students, and other students whose education may be demonstrably more expensive. It is the intent of the Legislature that the Joint Fiscal Committee, in conjunction with the Governor, shall develop a recommended distribution formula that addresses equity in funding public schools to be presented to the Legislature at the next Special or Regular Session.

**11. EDUCATION, STATE BOARD
OF - POSTSECONDARY
PRISON EDUCATION:**

(a) Operations and Maintenance	9,622,052	6,096,062	15,718,114
(b) Library Enhancement	45,382		45,382
(c) High Technology Equipment .	90,766		90,766
(d) Restricted Funds		3,517,173	3,517,173

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	<u>Fund Sources Included In appropriation total</u>		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:			
(1) ASETF	9,758,200		
(2) Federal and Local Funds .		9,613,235	
Total State Board of Educa- tion - Postsecondary Prison Education	9,758,200	9,613,235	19,371,435

(1) The Operations and Maintenance appropriation above of \$9,622,052 to the State Board of Education for Postsecondary Prison Education shall be distributed to colleges with approved programs in accordance with the following formula: (1) an allocation of \$300,000 to Shelton State Community College for start-up prison education at the Bibb County facility and (2) to each college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all colleges listed in this appropriation provided, however, that funding for junior and technical college credit hours shall be allotted in amounts as near equal as possible to non-prison education two-year college credit hours. The appropriation in (a) above, after the allocation to Shelton State Community College, is to be distributed to the following colleges: (1) Central Alabama Community College; (2) John C. Calhoun State Community College; (3) Jefferson Davis State Community College; (4) Gadsden State Community College; (5) J.F. Ingram State Community College; (6) Theodore A. Lawson State Community College; and (7) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation in (b) above of \$45,382 is to be distributed to the colleges listed in (1) above on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation in (c) above of \$90,766 to the State Board of Education for the Postsecondary Prison Education System is to be distributed to the colleges listed above in (1) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**12. EDUCATION, STATE BOARD
OF- POSTSECONDARY BUSI-
NESS AND INDUSTRY TRAIN-
ING:**

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Fund Sources Included			
<u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(a) Operations and Maintenance			500,000
SOURCE OF FUNDS:			
(1) ASETF	500,000		
Total State Board of Educa- tion - Postsecondary Business and Industry Training	500,000		500,000
13. SHELTON STATE COM- MUNITY COLLEGE:			
(a) Criminal Justice Program			48,000
For Law Enforcement/Crimi- nal Justice Placement.			
SOURCE OF FUNDS:			
(1) ASETF	48,000		
Total Shelton State Commu- nity College-Criminal Justice Program	48,000		48,000
14. EDUCATION, STATE BOARD OF - JUNIOR COLLEGE SYS- TEM:			
(a) Operations and Maintenance	87,407,966	65,837,464	153,245,430
(b) Library Enhancement	275,326		275,326
(c) High Technology Equipment .	183,552		183,552
(d) Capital Outlay	2,100,000		2,100,000
(e) Operations-Jefferson State Community College	300,000		300,000
(f) Separate Base-Central Alaba- ma Community College	250,000		250,000
(g) Auxiliary Enterprises		10,494,554	10,494,554
(h) Restricted Funds		37,985,464	37,985,464
SOURCE OF FUNDS:			
(1) ASETF	90,516,844		
(2) Other Funds		114,317,482	
Total State Board of Educa- tion - Junior College System .	90,516,844	114,317,482	204,834,326

(1) The Operations and Maintenance appropriation in (a) above of \$87,407,966 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$350,000 to only those junior colleges enumerated below in subsection (b).

Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a 2:1 ratio based upon the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses in animal health, paramedics, dental assistant, respiratory therapy assistant, medical laboratory assistant, physical therapy assistant, and radiation technology will be funded at this ratio. Related courses and other allied health courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The above appropriation is to be distributed to the following junior colleges: (1) Bevill State Community College; (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College (Phenix City); (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) Enterprise State Junior College; (8) James H. Faulkner State Community College; (9) Gadsden State Community College; (10) Alabama Southern Community College; (11) Jefferson State Community College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Community College; (14) Shoals Community College; (15) Shoals Community College-Northwest; (16) Snead State Community College; (17) Southern Union State Community College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College; (23) J.F. Ingram State Community College (base only).			

Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
(2) The Library Enhancement appropriation in (b) above of \$275,326 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.			

(3) The High Technology Equipment appropriation in (c) above of \$183,552 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(4) The capital outlay appropriation in (d) above shall be allocated as follows: \$225,000 to George C. Wallace Community College at Hanceville; \$225,000 to Snead State Community College; \$225,000 to Northeast Alabama State Community College; \$225,000 to Lurleen B. Wallace State Junior College; \$300,000 to George C. Wallace Community College-Hanceville; \$200,000 to George C. Wallace Community College-Dothan; \$300,000 capital outlay for a library at Council Trenholm State Technical College; \$200,000 to Alabama Southern Community College; \$200,000 to James H. Faulkner State Community College.

15. EDUCATION, STATE BOARD OF - TECHNICAL COLLEGE SYSTEM:

(a) Operations and Maintenance	68,180,776	49,987,704	118,168,480
(b) Library Enhancement	456,682		456,682
(c) High Technology Equipment .	365,344		365,344
(d) Auxiliary Enterprises		6,432,146	6,432,146
(e) Restricted Funds		28,840,815	28,840,815

SOURCE OF FUNDS:

(1) ASETF	69,002,802	
(2) Other Funds		85,260,665

Total State Board of Education -Technical College System	69,002,802	85,260,665	154,263,467
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(1) The Operations and Maintenance appropriation in (a) above of \$68,180,776 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein on the following formula:

(a) The sum of \$425,000 to only those technical colleges enumer-

Fund Sources Included
In appropriation total

ASETF	Earmarked Funds	Appropriation Total
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ated below in subsection (b).

- (b) The remainder of the appropriation is to be allotted to each technical college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all technical colleges listed in this appropriation, provided, however, that the credit hours from the major flight technology courses at Wallace State College, Hanceville, Bevill State Community College, and the Alabama Aviation and Technical College for the same quarters as above will be funded on a 2:1 ratio and provided that the credit hours from the major registered nursing courses at Bevill State Community College for the same quarters as above will be funded at the same rate as the credit hours from the major registered nursing courses of the junior colleges. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The appropriation in (a) above is to be distributed to the following technical colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Bevill State Community College; (6) Bevill State Community College-Hamilton; (7) S.D. Bishop State Community College; (8) S.D. Bishop State Community College-Carver Campus; (9) John C. Calhoun State Community College; (10) Central Alabama Community College; (11) Chattahoochee Valley State Community College; (12) Jefferson Davis State Community College; (13) J.F. Drake State Technical College; (14) Faulkner State Community College; (15) Gadsden State Community College-Alabama Technical College Campus; (16) Gadsden State Community College-Gadsden State Technical Institute Campus; (17) J.F. Ingram State Community College (base only); (18) Jefferson State Community College; (19) Theodore A. Lawson State Community College; (20) Douglas MacArthur State Technical College; (21) Northeast Alabama Community College; (22) Opelika State Technical College; (23) John M. Patterson State Technical College; (24) Ed E. Reid State Technical College;

Fund Sources Included
In appropriation total

ASETF	Earmarked Funds	Appropriation Total
(25) Shelton State Community College; (26) Shelton State Community College-Fredd Campus; (27) Shoals Community College; (28) Snead State Community College; (29) Chauncey Sparks State Technical College; (30) Council Trenholm State Technical College; (31) George C. Wallace State Community College (Dothan); (32) George C. Wallace State Community College (Hanceville); (33) George C. Wallace State Community College (Selma).		

(2) The Library Enhancement appropriation in (b) above of \$456,682 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1)(b) on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, recordings, and video tapes.

(3) The High Technology Equipment appropriation in (c) above of \$365,344 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed in (1)(b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**16. EDUCATION, STATE BOARD
OF - JUNIOR AND TECH-
NICAL COLLEGE SYSTEM:**

(a) Operations and Maintenance		8,700,000
SOURCE OF FUNDS:		
(1) ASETF	8,700,000	
Total State Board of Educa-		
tion - Junior and Technical		
College System	8,700,000	8,700,000

It is the intent of the Legislature that the above appropriation of \$8,700,000 shall be distributed by the State Board of Education as follows:

(a) The sum of \$425,000 to Enterprise State Junior College and \$425,000 to Lurleen B. Wallace State Junior College.

(b) The sum of \$350,000 to each of the following institutions:
(1) Chauncey Sparks State Technical College; (2) Alabama Aviation and Technical College; (3) Council Trenholm State

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**Fund Sources Included
In appropriation total**

ASETF	Earmarked Funds	Appropriation Total
Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) J.F. Drake State Technical College; (7) Douglas MacArthur State Technical College; (8) Opelika State Technical College; (9) John M. Patterson State Technical College; (10) Ed E. Reid State Technical College.		

- (c) The remainder of this appropriation is to be distributed to each institution in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all the institutions listed:

(1) Bevill State Community College (including Hamilton campus); (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College; (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) James H. Faulkner State Community College; (8) Gadsden State Community College; (9) Alabama Southern Community College; (10) Jefferson State Community College; (11) Theodore A. Lawson State Community College; (12) Northeast Alabama State Community College; (13) Shoals Community College (including Northwest campus); (14) Snead State Community College; (15) Southern Union State Community College; (16) George C. Wallace State Community College (Selma); (17) George C. Wallace State Community College (Dothan); (18) George C. Wallace Community College at Hanceville-of the amount allotted to George C. Wallace Community College at Hanceville \$25,000 shall be allotted for the School of Cosmetology; (19) Shelton State Community College (including Fredd campus); (20) J.F. Ingram State Community College.

**17. EDUCATION, STATE BOARD
OF - POST- SECONDARY
SKILLS TRAINING AND ED-
UCATION:**

(a) Operations and Maintenance	24,199,777
SOURCE OF FUNDS:	
(1) Federal and Local Funds .	24,199,777
Total State Board of Education - Postsecondary Skills Training and Education	24,199,777
	24,199,777

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In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
18. FAMILY PRACTICE RURAL HEALTH BOARD:			
(a) Family Practice Rural Health Program			909,780
SOURCE OF FUNDS:			
(1) ASETF	909,780		
Total Family Practice Rural Health Board	909,780		909,780
Of the above appropriation, \$50,000 shall be transferred to the Council on Substance Abuse-NCADD.			
19. FINANCE, DEPARTMENT OF - TELECOMMUNICATIONS DIVISION, TELEPHONE RE- VOLVING FUND:			
(a) Administrative Support Ser- vices Program			4,099,949
SOURCE OF FUNDS:			
(1) ASETF	4,099,949		
Total Department of Finance - Telecommunications Divi- sion, Telephone Revolving Fund	4,099,949		4,099,949
The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted ser- vice of a minimum mainte- nance level.			
20. FINANCE, DEPARTMENT OF - DATA SYSTEMS MANAGE- MENT DIVISION:			
(a) Administrative Support Ser- vices Program			249,566
To be expended for education and training for the Govern- mental Accountant and Auditor Training Program and the Certified Public Manager Pro-			

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
gram.			
SOURCE OF FUNDS:			
(1) ASETF	249,566		
Total Department of Finance-			
Data Systems Management			
Division	249,566		249,566

**21. FINE ARTS, ALABAMA
SCHOOL OF:**

(a) Fine Arts Program			3,831,460
SOURCE OF FUNDS:			
(1) ASETF	3,293,574		
(2) Federal and Local Funds .		537,886	
Total Alabama School of Fine			
Arts	3,293,574	537,886	3,831,460

**22. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCA-
TION COMMISSION, ALA-
BAMA/ALABAMA STATE FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:**

(a) Operations and Maintenance	2,862,250	1,218,557	4,080,807
(b) Auxiliary Enterprises		671,728	671,728
SOURCE OF FUNDS:			
(1) ASETF	2,862,250		
(2) Other Funds		1,890,285	
Total Alabama Firefighters'			
Personnel Standards and Edu-			
cation Commission/Alabama			
State Fire College - Shelton			
State Community College.....	2,862,250	1,890,285	4,752,535

Of the above appropriation of \$2,862,250 from the ASETF, the sum of \$72,210 shall be used for training and instructional equipment and the development and delivery of hazardous materials training.

**23. HEALTH INSURANCE BOARD,
PUBLIC EDUCATION EM-
PLOYEES':**

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(a) Administrative Support Services Program			110,000,000
<p>The above appropriation shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers of all institutions under the auspices of the State Board of Education, employees of the Alabama Institute for the Deaf and Blind, Alabama School of Mathematics and Science, the Alabama School of Fine Arts, and retired employees eligible under the provisions of Code of Alabama 1975, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, Section 16-25A-17.</p> <p>It is the intent of the Legislature that the hereinabove appropriated sum shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1994-95 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees' Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employ-</p>			

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Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
ees' Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent cov- erage under said health insur- ance plan. SOURCE OF FUNDS: (1) ASETF	110,000,000		
Total Public Education Em- ployees' Health Insurance Board	110,000,000		110,000,000

**24. HIGHER EDUCATION, ALA-
BAMA COMMISSION ON:**

- (a) Planning and Coordination
Services Program 1,755,773
The proposed spending plan for
the ASETF monies included in
the above program is as fol-
lows:
Operations and Mainte-
nance 1,605,773
In addition to the above appro-
priation for Operations and
Maintenance, there is hereby
appropriated \$262,204 from the
ASETF to be conditioned on the
availability of funds in the
ASETF, the recommendation of
the Director of Finance and the
approval of the Governor.
Salaries and Fees for Title VI
Court Monitor 150,000
SOURCE OF FUNDS:
(1) ASETF 1,755,773
Total Planning and Coordina-
tion Services Program (Total
Operations) 1,755,773
- (b) Student Financial Aid Pro-
gram 11,372,991
The proposed spending plan for
the ASETF monies included in
the above program is to be dis-
tributed through ACHE as fol-
lows:

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Fund Sources Included In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
(1) Educational Grants Program 6,225,359			
(2) Alabama National Guard Educational Assis- tance 781,754			
To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31- 10-4 and Act 93-910.			
(3) Teacher Education Scholar- ship Loan Program 974,726			
To be expended in accordance with Code of Alabama 1975, Section 16-23-24.			
(4) Chiropractic Scholar- ships 44,522			
To be expended in accordance with Code of Alabama 1975, Section 16-5-11.			
(5) Policeman's Survivor Tu- ition, Estimated 40,000			
To be expended under the pro- visions of Code of Alabama 1975, Section 36-21-105.			
(6) Alabama Student Assis- tance Program 1,818,315			
SOURCE OF FUNDS:			
(1) ASETF	9,884,676		
(2) Federal and Local Funds .		1,488,315	
Total Student Financial Aid Program	9,884,676	1,488,315	11,372,991
(c) Support of Other Educational Activities Program			5,114,122
The proposed spending plan for the ASETF monies included in the above program is to be dis- tributed through ACHE as fol- lows:			
(1) Network of Alabama Aca- demic Libraries			
(NAAL) 644,024			
(2) Southern Regional Educa- tion Board			
(SREB) 520,285			
Of the above appropriation, \$100,000 shall be expended for a regional minority doctoral scholars program. These funds			

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**Fund Sources Included
In appropriation total**

	ASETF	Earmarked Funds	Appropriation Total
shall be expended only for doctoral programs in Alabama or out-of-state only when those programs are unavailable in Alabama. Of the above appropriation, \$24,800 shall be expended for osteopathic medical scholarships for Alabama students studying osteopathic medicine at the West Virginia Medical School.			
(3) Alabama Small Business Development Consortium			625,000
(4) Alabama Council for International Programs			23,500
(5) EPSCoR-National Science Foundation Program			1,000,000
(6) Research Enhancement			248,884
(7) Computer-Based Articulation System			525,000
To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.			
SOURCE OF FUNDS:			
(1) ASETF	3,586,693		
(2) Federal and Local Funds .		1,527,429	
Total Support of Other Educational Activities Program	3,586,693	1,527,429	5,114,122
(d) Teacher Education Scholarship Loan Program			2,500,000
To be expended under the provisions of Act 93-636.			
SOURCE OF FUNDS:			
(1) ASETF	2,500,000		
Total Teacher Education Scholarship Program	2,500,000		2,500,000
(e) Alabama Guaranteed Student Loan Program			23,203,134
SOURCE OF FUNDS:			
(1) Federal and Local Funds .		23,203,134	
Total Alabama Guaranteed			

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
Student Loan Program		23,203,134	23,203,134
TOTAL ALABAMA COM- MISSION ON HIGHER EDU- CATION:			
SOURCE OF FUNDS:			
(1) ASETF	17,727,142		
(2) Federal and Local Funds		26,218,878	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION	17,727,142	26,218,878	43,946,020

In addition to the above appropriation, there is hereby appropriated \$2,000,000 from the ASETF for the Eminent Scholars Program to be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**25. HUMAN RESOURCES, DE-
PARTMENT OF:**

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program		4,134,058
(b) JOBS Child Care and After School Child Care Program ...		3,500,000
SOURCE OF FUNDS:		
(1) ASETF	7,634,058	
Total Department of Human Resources	7,634,058	7,634,058

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants.

**26. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALA-
BAMA:**

(a) Industrial Training Program ..	1,839,901	215,959	2,055,860
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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(b) Industrial Development Pro- gram	15,092,552		15,092,552
SOURCE OF FUNDS:			
(1) ASETF	16,932,453		
(2) Other Funds		215,959	
Total Alabama Industrial De- velopment Training Institute ...	16,932,453	215,959	17,148,412
<p>Of the above appropriation to AIDT, \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and GTE Telephone, in Pell City, to be conducted by Gadsden State Community College, \$1,500,000 shall be allocated to Shelton State Community College, \$150,000 for automotive technology training and placement at Lawson State Community College, \$500,000 shall be used to fund the operation of the Michelin training center, \$300,000 shall be expended for training for the Tire Recycling Center at Shelton State Community College, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program, the amount necessary up to \$150,000 shall be used for job training for the Rehau Project, \$300,000 shall be used for the Job Corps Training Center at Council Trenholm State Technical College, \$100,000 shall be used for training at Bessemer State Technical College for automotive technology training and \$20,000 shall be used for team building training specific project, the remaining funds may be used by the Alabama Industrial Development Training Institute for other training projects. In addition to the above appropriation to</p>			

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Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
the AIDT, there is also hereby conditionally appropriated (1) the sum of \$550,000 to be conditioned solely upon a poultry processing plant locating in Northeast Alabama and (2) the sum of \$250,000 to be conditioned solely upon Southwire Corporation locating a manufacturing facility in Alabama.			

27. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program			60,000
SOURCE OF FUNDS:			
(1) ASETF	60,000		
Total Alabama Law Institute .	60,000		60,000

28. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program			9,010,699
SOURCE OF FUNDS:			
(1) ASETF	7,379,475		
(2) Federal and Local Funds .		1,631,224	
Total Alabama Public Library Service	7,379,475	1,631,224	9,010,699
Of the above appropriation, a minimum of \$4,641,682 shall be distributed to the public libraries within the state.			

29. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			3,242,231
SOURCE OF FUNDS:			
(1) ASETF	2,538,351		
(2) Federal and Local Funds .		703,880	
Total Marine Environmental Sciences Consortium	2,538,351	703,880	3,242,231

30. MATH AND SCIENCE, ALABAMA SCHOOL OF:

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Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds
		Appropriation Total
(a) Math and Science Program ...		5,248,049
SOURCE OF FUNDS:		
(1) ASETF	5,248,049	
Total Alabama School of Math and Science	5,248,049	5,248,049

**31. MEDICAL SCHOLARSHIP
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program		612,707
SOURCE OF FUNDS:		
(1) ASETF	612,707	
Total Board of Medical Scholarship Awards	612,707	612,707
To be expended under the provisions of Code of Alabama 1975, Sections 16- 47-121 through 16-47-129.		

**32. MENTAL HEALTH AND MENTAL RETARDATION,
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program . Of the above appropriation, \$2,828,703 shall be expended at the Eufaula Adolescent Center.		7,870,212
(b) Institutional Treatment and Care-Mental Retardation Program		3,276,604
(c) Community Services Program Of the above appropriation, \$300,000 shall be expended for Alzheimer's Disease Education and Training.		4,426,140
SOURCE OF FUNDS:		
(1) ASETF	15,572,956	
Total Department of Mental Health and Mental Retardation	15,572,956	15,572,956
The Department of Mental Health and Mental Retardation shall enter into contracts with local school systems to reim-		

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		Fund Sources Included <u>In appropriation total</u>	
	ASETF	Earmarked Funds	Appropriation Total
<p>burse those school systems for education and education related services provided to children under the care of the Department of Mental Health.</p>			
33. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM:			
(a) Support of Other Educational Activities Program			191,000
SOURCE OF FUNDS:			
(1) ASETF	191,000		
Total Montgomery Internal Medicine Residency Program	191,000		191,000
<p>The above appropriation to the Montgomery Internal Medicine Residency Program from the ASETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1993-94.</p>			
34. MUSIC HALL OF FAME, ALABAMA:			
(a) Support of Other Educational Activities Program			148,000
SOURCE OF FUNDS:			
(1) ASETF	148,000		
Total Alabama Music Hall of Fame	148,000		148,000
35. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			51,587
SOURCE OF FUNDS:			

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	Fund Sources Included <u>In appropriation total</u>	
	ASETF	Earmarked Funds Appropriation Total
(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships	51,587	
Total Alabama Board of Nursing	51,587	51,587

**36. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program		134,850
SOURCE OF FUNDS:		
(1) ASETF	134,850	
Total Board of Optometric Scholarship Awards	134,850	134,850
To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.		

37. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		626,622
Of the above appropriation, \$150,000 shall be expended for employees or contracts with experts to review the certified law enforcement academies and the standards pursuant thereto.		
(b) Certified Law Enforcement Academy Program		1,154,500
Of the above appropriation for the Certified Law Enforcement Academy Program, the \$704,500 of ASETF monies included therein shall be expended as follows:		
Northeast Police Academy	181,500	
University of Alabama	181,500	

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Fund Sources Included In appropriation total			
	ASETF	Earmarked Funds	Appropriation Total
Southwest Police Academy			
Alabama Police Academy			
Montgomery Police Academy			
Total			
(c) Capital Outlay Program			150,000
SOURCE OF FUNDS:			
(1) ASETF	1,481,122		
(2) Alabama Peace Officers' Standards and Training Fund- as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51		450,000	
Total Alabama Peace Officers' Standards and Training Commission	1,481,122	450,000	1,931,122

38. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program			3,349,414
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Chancellor's Office Operations	1,765,788		
Environmental Consortium	250,000		
Technological Equipment	350,000		
Program Planning and Enhancement	110,797		
Displaced Homemakers' Program	107,628		
Building Operations	309,007		
SOURCE OF FUNDS:			
(1) ASETF	2,893,220		
(2) Federal and Local Funds		456,194	
Total Postsecondary Education Department	2,893,220	456,194	3,349,414

39. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

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<u>Fund Sources Included In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(a) Retirement Systems Program, Estimated			609,000
SOURCE OF FUNDS:			
(1) ASETF-Employees' Re- tirement System	336,000		
(2) ASETF-Employees' Spe- cial Pension, Acts 85-631, 88-600, 90-625, and 93-479	273,000		
Total Employees' Retirement System of Alabama (ASETF Share)	609,000		609,000

**40. RETIREMENT SYSTEM OF
ALABAMA, TEACHERS'
(ASETF SHARE):**

(a) Retirement Systems Program, Estimated	259,771,000
(b) Term Life Insurance	3,150,000

Persons eligible for this insur-
ance benefit shall be the fol-
lowing:

- (1) full-time members of the
Teachers' Retirement Sys-
tem of Alabama shall be
eligible for the full benefit;
and,
- (2) part-time members of the
Teachers' Retirement Sys-
tem of Alabama shall be
eligible for proportional
benefit based on the per-
centage of time each works
in relationship to full- time
work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retire- ment System, Estimated ..	195,712,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated .	64,059,000	
(3) ASETF-Term Life In- surance	3,150,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	262,921,000	262,921,000

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		Fund Sources Included In appropriation total	
	ASETF	Earmarked Funds	Appropriation Total
41. SOCIAL SECURITY (ASETF SHARE):			
(a) For State's Share of Social Security, Estimated			118,703
SOURCE OF FUNDS:			
(1) ASETF	118,703		
Total Social Security (ASETF Share)	118,703		118,703
The above appropriation is to be used for prior period adjustments.			
42. SOIL AND WATER CONSERVATION COMMITTEE, STATE:			
(a) Soil Conservation Program ...			25,000
SOURCE OF FUNDS:			
(1) ASETF	25,000		
Total State Soil and Water Conservation Committee	25,000		25,000
For use in educational activities related to proper soil conservation through the prevention of erosion.			
43. SPORTS HALL OF FAME, ALABAMA:			
(a) Scholarship Program			200,000
SOURCE OF FUNDS:			
(1) ASETF	200,000		
Total Alabama Sports Hall of Fame	200,000		200,000
44. SUPERCOMPUTER AUTHORITY, ALABAMA:			
(a) Administrative Support Services Program			7,926,102
The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.			
SOURCE OF FUNDS:			

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
(1) ASETF	6,000,000		
(2) Supercomputer Revolving Fund, Estimated		1,926,102	
Total Alabama Supercomputer Authority	6,000,000	1,926,102	7,926,102

**45. TELEVISION COMMISSION,
EDUCATIONAL:**

- (a) Educational Television and
Public Radio Service Program
Of the above appropriation,
\$175,000 shall be allocated for
the "Discovering Alabama" TV
Series; \$100,000 shall be allo-
cated for the radio station
(WVAS) at Alabama State Uni-
versity.

8,139,189

- (b) Capital Outlay Program
- Of the above appropriation,
\$150,000 is conditioned upon
the award of a federal grant for
capital outlay and equipment
upgrade purposes.

350,000

SOURCE OF FUNDS:

(1) ASETF	5,797,205		
(2) Federal and Local Funds .		2,691,984	
Total Educational Television Commission	5,797,205	2,691,984	8,489,189

The above appropriation in-
cludes funding for WLRH-FM
in Huntsville, also licensed to
the Alabama Educational Tele-
vision Commission. In addi-
tion to the above appropriation
to the Educational Television
Commission, there is also
hereby appropriated \$267,000
for capital outlay for WUAL-
FM and \$175,000 for operat-
ing expenses of the Public Ra-
dio Station WUAL-FM for a
State House News Bureau,
both to be conditioned on the
availability of funds in the
ASETF, the recommendation of
the Director of Finance and the

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		Fund Sources Included <u>In appropriation total</u>	
	ASETF	Earmarked Funds	Appropriation Total
approval of the Governor.			
46. TENURE COMMISSION, STATE:			
(a) Regulation Program			9,722
SOURCE OF FUNDS:			
(1) ASETF	9,722		
Total State Tenure Commis- sion	9,722		9,722
47. UNEMPLOYMENT COMPEN- SATION-LOCAL BOARDS:			
(a) State Board of Education, Local Boards Program, Esti- mated			2,646,798
SOURCE OF FUNDS:			
(1) ASETF	2,646,798		
Total Unemployment Com- pensation- Local Boards	2,646,798		2,646,798
48. VETERANS' AFFAIRS, DE- PARTMENT OF:			
(a) Administration of Veterans' Affairs Program			4,152,793
SOURCE OF FUNDS:			
(1) ASETF-Transfer	4,152,793		
Total Department of Veterans' Affairs	4,152,793		4,152,793
The above appropriation is for Veterans' Education Benefits and includes pro rata adminis- tration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college or tech- nical college in which benefits are given to veterans, their wives, widows, or children un- der the provisions of Code of Alabama 1975, Sections 31-6- 1 through 31-6-17.			

Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
49. YOUTH SERVICES, DEPARTMENT OF:			
(a) Financial Assistance Program			7,017,407
The above appropriation for Financial Assistance Program includes \$5,874,363 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.			
SOURCE OF FUNDS:			
(1) ASETF	5,874,363		
(2) Federal and Local Funds .		1,143,044	
Total Department of Youth Services	5,874,363	1,143,044	7,017,407

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa	99,705,662	69,497,728	169,203,390
The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholar-			

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Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
ships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.			
(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham	160,750,921	647,487,471	808,238,392
The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research			

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Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
<p>Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Minority Training/Economic Development Program. Of the above appropriation, \$300,000 shall be expended for the National Biomedical Tracer Center and \$300,000 shall be expended for the Athletic Trainers Program.</p> <p>(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville</p> <p>The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance</p>	33,401,450	26,013,111	59,414,561

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	Fund Sources Included <u>In appropriation total</u>		
	ASETF	Earmarked Funds	Appropriation Total
funding shall include support for the following entities: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.			
(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	4,433,287		4,433,287
(e) Alabama SchoolFest Program, University of Alabama	863,639		863,639
(f) Bevill Center for Advanced Manufacturing Technology	350,000		350,000
(g) Bevill Advanced Electronics Center	350,000		350,000
(h) Bevill Center for Advanced Telecommunication Technology	350,000		350,000
(i) Bevill Center for Advanced Environmental Technology	350,000		350,000
(j) Bevill Center for Advanced Biotechnology	350,000		350,000
(k) Auxiliary Enterprises		74,077,959	74,077,959
(l) Restricted Funds		201,581,839	201,581,839
SOURCE OF FUNDS:			
(1) ASETF	300,904,959		
(2) Other Funds		1,018,658,108	
Total Board of Trustees of University of Alabama	300,904,959	1,018,658,108	1,319,563,067

**II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY**

(a) Operations and Maintenance

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
and Program Support	22,330,776	11,366,534	33,697,310
(b) Title VI Program Enhance- ment	616,981		616,981
Consultants/Faculty .. 199,475			
Instructional Support 417,506			
Title VI Program Enhancement funds to be used by Alabama A&M University in the devel- opment of "new high demand programs" in the Huntsville area as noted in Part V, Sec- tion 2D of the Remedial De- cree. These funds will be used for studies to assist in priori- tizing development of such new programs and for development of such programs upon program approval by ACHE. The in- structional support monies may not be expended prior to the high demand programs being approved by the Commission on Higher Education.			
(c) Desegregation Planning	200,000		200,000
(d) For Recruiting and Minority Scholarships	300,000		300,000
(e) Black Archives Museum	250,000		250,000
(f) Cooperative Extension, Re- search and Service	1,000,000	2,805,069	3,805,069
(g) Auxiliary Enterprises		4,925,532	4,925,532
(h) Restricted Funds		15,650,608	15,650,608
SOURCE OF FUNDS:			
(1) ASETF	24,697,757		
(2) Other Funds		34,747,743	
Total Board of Trustees of Alabama A&M University	24,697,757	34,747,743	59,445,500

**III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVER-
SITY**

(a) Operations and Maintenance and Program Support	23,089,754	12,166,709	35,256,463
(b) Title VI Program Enhance- ment	1,792,783		1,792,783
Consultants/Faculty 500,000			
Instructional Support .. 1,292,783			
Title VI Program Enhancement			

Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
funds to be used by Alabama State University in the development of "new high demand programs" in the Montgomery area as noted in Part V, Section 2D of the Remedial Decree. These funds will be used for studies to assist in prioritizing development of such new programs and for development of such programs upon program approval by ACHE. The instructional support monies may not be expended prior to the high demand programs being approved by the Commission on Higher Education.			
(c) Desegregation Planning	200,000		200,000
(d) For Recruiting and Minority Scholarships	300,000		300,000
(e) Auxiliary Enterprises		9,069,319	9,069,319
(f) Restricted Funds		9,096,446	9,096,446
SOURCE OF FUNDS:			
(1) ASETF	25,382,537		
(2) Other Funds		30,332,474	
Total Board of Trustees of Alabama State University	25,382,537	30,332,474	55,715,011
In addition to the above appropriation to Alabama State University, there is hereby appropriated \$2,000,000 from the ASETF to Alabama State University-Millbrook Campus for capital outlay and \$1,000,000 from the ASETF to Alabama State University-Millbrook Campus for operations and maintenance to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.			

IV. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(a) Alabama State University- Miles College Consortium	400,000		400,000
SOURCE OF FUNDS:			
(1) ASETF	400,000		
Total Alabama State Univer- sity-Miles College Consor- tium	400,000		400,000

V. STATE BOARD OF EDUCATION - ATHENS STATE COLLEGE

(a) Operations and Maintenance and Program Support	6,322,485	5,802,816	12,125,301
(b) Auxiliary Enterprises		563,412	563,412
(c) Restricted Funds		1,557,147	1,557,147
SOURCE OF FUNDS:			
(1) ASETF	6,322,485		
(2) Other Funds		7,923,375	
Total State Board of Educa- tion-Athens State College	6,322,485	7,923,375	14,245,860

In addition to the above appropriation from the ASETF, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor. This is to be the first priority conditional and shall be released in full before any other conditional from the ASETF is released.

VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

(a) Operations and Maintenance and Program Support	127,592,732	72,493,644	200,086,376
(b) Agricultural Experiment Sta- tion	20,701,042	15,643,903	36,344,945
(c) Cooperative Extension Ser- vice	23,752,845	12,926,966	36,679,811
(d) Fisheries and Economic Development Program	500,000		500,000
To be used to fund a network			

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
of universities coordinating the management and monitoring of water quality and recreational fisheries and for economic development.			
(e) Auxiliary Enterprises		47,471,051	47,471,051
(f) Restricted Funds		64,435,590	64,435,590
SOURCE OF FUNDS:			
(1) ASETF	172,546,619		
(2) Other Funds		212,971,154	
Total Board of Trustees of Auburn University	172,546,619	212,971,154	385,517,773
In addition to the above appropriation, there is hereby appropriated \$500,000 to Auburn University at Montgomery to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.			

VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

(a) Operations and Maintenance and Program Support	24,188,982	16,096,729	40,285,711
(b) Auxiliary Enterprises		3,418,198	3,418,198
(c) Restricted Funds		5,950,000	5,950,000
SOURCE OF FUNDS:			
(1) ASETF	24,188,982		
(2) Other Funds		25,464,927	
Total Board of Trustees of Jacksonville State University	24,188,982	25,464,927	49,653,909

VIII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY

(a) Operations and Maintenance and Program Support	7,908,158	3,756,878	11,665,036
(b) Auxiliary Enterprises		3,353,954	3,353,954
(c) Restricted Funds		360,482	360,482
SOURCE OF FUNDS:			
(1) ASETF	7,908,158		

Fund Sources Included
In appropriation total

	ASETF	Earmarked Funds	Appropriation Total
(2) Other Funds		7,471,314	
Total Board of Trustees of Livingston University	7,908,158	7,471,314	15,379,472

In addition to the above appropriation to Livingston University, there is hereby appropriated \$500,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**IX. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTE-
VALLO**

(a) Operations and Maintenance and Program Support	12,556,328	7,792,702	20,349,030
(b) Auxiliary Enterprises		4,420,582	4,420,582
(c) Restricted Funds		2,090,726	2,090,726

SOURCE OF FUNDS:

(1) ASETF	12,556,328		
(2) Other Funds		14,304,010	
Total Board of Trustees of University of Montevallo	12,556,328	14,304,010	26,860,338

In addition to the above appropriation to the Board of Trustees of University of Montevallo, there is hereby appropriated \$500,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**X. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA**

(a) Operations and Maintenance and Program Support	17,606,624	11,676,726	29,283,350
(b) Auxiliary Enterprises		3,226,289	3,226,289
(c) Restricted Funds		828,539	828,539

SOURCE OF FUNDS:

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Fund Sources Included <u>In appropriation total</u>			
	ASETF	Earmarked Funds	Appropriation Total
(1)ASETF	17,606,624		
(2) Other Funds		15,731,554	
Total Board of Trustees of University of North Alabama	17,606,624	15,731,554	33,338,178

In addition to the above appropriation to the University of North Alabama, there is hereby appropriated \$300,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**XI. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA**

(a) Operations and Maintenance and Program Support	60,295,724	214,117,996	274,413,720
Of the above appropriation, \$100,000 shall be expended for the Alabama Banking School, Professor of Finance.			
(b) Auxiliary Enterprises		11,456,321	11,456,321
(c) Restricted Funds		20,275,000	20,275,000
SOURCE OF FUNDS:			
(1) ASETF	60,295,724		
(2) Other Funds		245,849,317	
Total Board of Trustees of University of South Alabama	60,295,724	245,849,317	306,145,041

**XII. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY**

(a) Operations and Maintenance and Program Support for Troy State University	18,216,833	32,087,441	50,304,274
(b) Operations and Maintenance and Program Support for Troy State University at Dothan	4,010,360	4,803,211	8,813,571
(c) Operations and Maintenance and Program Support for Troy State University at Montgo- mery	4,271,014	4,482,271	8,753,285
(d) Auxiliary Enterprises		9,716,724	9,716,724

**REGULAR SESSION
25th Day**

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<u>Fund Sources Included In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
(e) Restricted Funds		4,795,976	4,795,976
SOURCE OF FUNDS:			
(1) ASETF	26,498,207		
(2) Other Funds		55,885,623	
Total Board of Trustees of Troy State University	26,498,207	55,885,623	82,383,830
In addition to the above appropriation to Troy State University System, there is hereby appropriated \$1,400,000 to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.			

**XIII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND**

(a) Adult Programs	4,687,348	4,543,836	9,231,184
(b) Children and Youth Programs	13,839,123	4,299,449	18,138,572
(c) Industries for the Blind	2,473,529	12,985,870	15,459,399
SOURCE OF FUNDS:			
(1) ASETF	21,000,000		
(2) Other Funds		21,829,155	
Total Board of Trustees of Alabama Institute for Deaf and Blind	21,000,000	21,829,155	42,829,155
In addition to the above appropriation, there is hereby conditionally appropriated \$1,044,363 to the Alabama Institute for Deaf and Blind conditioned upon the availability of funds and the approval of the Governor.			

SECTION 5. There is hereby appropriated \$1,000,000 from the ASETF to the Shelby County Board of Education for tornado damage to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

SECTION 6. It is the intent of the Legislature that all salary increases granted to lunchroom workers by the Legislature beginning October 1, 1993 and October 1, 1994 shall be fully funded by local school boards from state funds provided in Section 3.A.10. and not from funds generated by lunchroom sales. A school board may obtain a waiver from

the provisions of this section for a particular school or schools by applying for such a waiver in writing to the State Superintendent of Education. The State Superintendent may recommend a waiver in writing if the facts presented by the local school board warrant such a waiver and the state school board approves the waiver.

SECTION 7. No other funds provided herein for the public schools, including funds in Section 3.A.10., shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 8. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 9. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 10. (a) Funds appropriated from the ASETF or ear-

marked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ASETF or earmarked state funds in this act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 11. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in

the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1995. All agencies enumerated in this act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. All unexpended balances remaining from any grant to any entity from the now defunct Center for Quality and Productivity or Technology Plus when such grant was provided from appropriations from the ASETF shall revert to the ASETF on the effective date of this act.

SECTION 15. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 16. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act be and the same are hereby expressly repealed.

SECTION 17. This Act shall become effective on October 1, 1994.

And said Bill, HB 193, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 193, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 784. Relating to Sumter County; providing for the disposition of certain fees received by the county from the disposal of hazardous waste.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 552. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 227. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 692. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 210. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 202. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 251. To make an appropriation to the Department of Public

Health for the fiscal year ending September 30, 1995, for educational purposes.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 693. To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions; and to provide an expiration date of any provisions of the proposed amendment affecting the planning and zoning authority of any municipality.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 209. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 211. To make an appropriation from the Alabama Special

Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 619. Relating to Lee County; to provide for the police jurisdiction of any municipality located partially in Lee County.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending Septem-

ber 30, 1995, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 180. To make an appropriation from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 285. To amend the Alabama Special Educational Trust Fund

appropriation bill, Act 93-772, H. 222, 1993 Regular Session, to make a conditional appropriation to the Department of Mental Health and Mental Retardation.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1996, with a modification to amend Section 9-17-3, Code of Alabama 1975, to add a nonvoting, noncompensated member emeritus to the board.

And said Bill, SB 197, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, SB 197, together with the Report of the Committee on Conference, is herewith returned to the Senate.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 193

The Senate proceeded to further consideration of the Bill, HB 193. The question was on the Conference Committee Report.

Senator Bedsole moved that the Senate non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 193, and request that the present Conference Committee be discharged and a new Conference Committee be appointed.

Senator Horn offered a substitute motion that the Senate concur in and adopt the Report of the Committee on Conference for the Bill, HB 193.

Senator Bailey moved that said substitute motion to concur in and adopt, be laid on the table.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 299. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 121. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and graveyard owners, to further provide for the number of trustees.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 129. RECOGNIZING EUGENE CRUM FOSHEE OF

ANDALUSIA FOR OUTSTANDING SERVICE TO THE STATE OF
ALABAMA.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 60. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Also:

S. 388. To repeal Section 30-3-7 of the Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in divorce and divorce modification proceedings, and providing for the deposit of the fees in the State General Fund.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Also:

S. 321. Providing group health insurance for certain retired

judges of probate and legislators in the state employees group health insurance plan and providing that the retired judges and legislators shall pay the entire cost for having such group health insurance.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 907. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 907 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 332. To amend Section 27-14-3, Code of Alabama 1975,

relating to insurable interest in personal insurance contracts, to further provide for the insurable interest of a corporation and related legal entities of a corporation in the directors, officers, and employees of the corporation under certain conditions and to further provide for the insurable interest of certain charitable institutions as defined by the Internal Revenue Code in the life of a donor.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 85. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holladay:

H. 654. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 654 - to the Committee on Commerce, Transportation, and Utilities

FURTHER CONSIDERATION OF HB 193

The Senate proceeded to further consideration of the Bill, HB 193. The question was on the Bailey motion to table the Horn substitute motion to concur in and adopt the Report of the Committee on Conference.

Which motion was lost.

Yeas 14 Nays 20

Yeas:

Senators:

Amari, Bailey, Bedsole, Dixon, Ellis, Ghee, Hill, Lipscomb, Mitchell, Parsons, Smith (B), Smith (J), Underwood, and Waggoner -14

Nays:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Sanders, Wilson, and Windom -20

The question then recurred on the Horn substitute motion that the Senate concur in and adopt the Report of the Committee on Conference on the Bill, HB 193, which motion was adopted.

Yeas 21 Nays 14

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Sanders, Wilson, and Windom -21

Nays:

Senators:

Amari, Bailey, Bedsole, Bolling, Dixon, Ellis, Hill, Lipscomb, Mitchell, Parsons, Smith (B), Smith (J), Underwood, and Waggoner -14

Senator Horn moved that the Senate reconsider the vote by which the Conference Committee Report for the Bill, HB 193, was concurred in

and adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF HB 226

The Senate proceeded to further consideration of the Bill, HB 226, as amended. The question was on the Mitchem amendment.

On motion of Senator Barron, said amendment was laid on the table.

On motion of Senator Foshee, the Senate reconsidered the vote by which the Ghee amendment was adopted.

On motion of Senator Foshee, said amendment was laid on the table.

On motion of Senator Foshee the Senate reconsidered the vote by which the Foshee substitute was adopted.

On motion of Senator Foshee, said substitute was laid on the table.

And said Bill, HB 226, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

MOTION TO ADJOURN

Senator Barron moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 12, 1994, at 11 o'clock A.M., which motion was adopted.

FURTHER CONSIDERATION OF SB 499

The Senate proceeded to further consideration of the Bill, SB 499.

Senator Sanders offered the following substitute for the Bill, SB 499, to-wit:

SUBSTITUTE FOR SB 499

A BILL TO BE ENTITLED AN ACT

To create new circuit judgeships in certain judicial circuits and new district judgeships in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created an additional judgeship for the Fourth Judicial Circuit, which shall be designated judgeship number 3. If the judgeship is precleared under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, the judgeship shall be filled initially by appointment in the same manner as a judicial vacancy is filled in the Fourth Judicial Circuit and the judge appointed to fill the vacancy shall serve an initial term in the same manner as a judge appointed to fill a vacancy in the Fourth Judicial Circuit. The appointment of this judgeship shall be made within 60 days of its preclearance under the aforementioned section of the Voting Rights Act of 1965. The judge so appointed shall assume office 30 days from the date of the appointment.

Section 2. There is created an additional judgeship for the Eighteenth Judicial Circuit, which shall be designated judgeship number 4. When the caseload permits and at the assignment of the presiding circuit judge of the judicial circuit, the judge filling the judgeship established by this act may be assigned to assist in handling the caseload and in the disposition of cases in the District Court of the Eighteenth Judicial Circuit. The judgeship shall be filled at the general election in 1996, and the judge elected shall take office on the first Monday following the second Tuesday in January 1997.

Section 3. Two additional circuit judgeships for the Thirteenth Judicial Circuit, designated judgeships numbers eleven and twelve, are created. If the judgeships have been precleared under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, prior to October 1, 1995, the Governor shall make appointments to the two new positions in accordance with the provisions of Amendment No. 408 to the Constitution of Alabama of 1901, to assume office October 1, 1995. If the judgeships are precleared under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, at a later time, the judgeships shall be filled initially by appointment in accor-

dance with the provisions of Amendment No. 408. The judges so appointed shall assume office 30 days from the date of the appointments. Judges initially appointed to these two new positions shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after they have completed one year in office.

Section 4. (a) There is created an additional district judgeship for Dallas County, which shall be designated judgeship Number 2.

(b) If the judgeship has been precleared under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, prior to October 1, 1995, the first judge of the additional district judgeship Number 2 shall be appointed by the Governor, effective October 1, 1995, or within 30 days thereafter, to serve an initial term beginning immediately upon appointment and lasting until the first Monday after the second Tuesday in January following the general election held in November 1996. If the Governor has not made an initial appointment within 30 days after October 1, 1995, then the additional judgeship created shall first be filled at the general election held in November 1996, and the first judge elected shall serve a full term of office beginning on the first Monday following the second Tuesday in January after the general election. Thereafter, successors shall be elected to full terms of office as provided by law. Every six years thereafter, a judge shall be elected at the general election to fill the judgeship.

(c) If the judgeship is precleared after the November 1996 election under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, the judgeship shall be filled initially by appointment within 60 days of its preclearance under the aforementioned section of the Voting Rights Act of 1965. The judge appointed shall assume office 30 days from the date of the appointment. If the judgeship is first filled by appointment pursuant to this subsection, the judge shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election following at least one year in office. Thereafter, successors shall be elected to full terms of office as provided by law.

Section 5. There is created an additional district judgeship for Cullman County, which shall be designated judgeship Number 2. The first judge of the additional district judgeship Number 2 shall be elected at the general election held in November 1996 and shall serve a full term of office beginning on the first Monday following the second Tuesday in January after the general election. Every six years thereafter, a judge shall be elected at the general election to fill the judgeship.

Section 6. The judges appointed or elected as provided in this act

shall have and shall exercise all the jurisdiction, power, rights, and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all of the responsibilities and duties of the office to which the other circuit or district judges are subject.

Section 7. The compensation of the judges shall be the same as and paid under the same circumstances as that of the other circuit or district judges in the judicial circuit where elected or appointed, including the payment of any county supplement or expense allowance.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

And said Bill, SB 499, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 3

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -24

Nays:

Senators:

Bolling, Dial, and Ghee

- 3

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. McDaniel, Parker (T), Sanderford, Harvey, Burke, Carter, Smith (R), Payne, Newton (C), Beasley, Venable, Layson, Gullatt, Rockhold, Gaston, Kvalheim, Penry, Turner, Harper, McMillan, Hooper, Cullins, Hamilton, Richardson, Rich, Hill, and Smith (C):

H. 814. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; and to amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to provide for disqualification of unemployment compensation benefits due to dismissal for testing positive for the use of illegal drugs.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 814 - to the Committee on Economic Affairs

BILLS ON THIRD READING RESUMED

THE BILL:

S. 146. To make an appropriation from the Alabama Special Educational Trust Fund to the University of Alabama at Birmingham for the establishment of an Athletic Trainers Program for the Birmingham Public Schools Athletic Department for the fiscal year ending September 30, 1994.

was taken up.

On motion of Senator Bailey, the Rules were suspended and further consideration of the Bill, SB 146, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 320, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 320. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 192, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hooper and Cullins:

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 474 - to the Committee on Governmental Affairs/State Administration

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 751, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 751. To provide a supplemental appropriation to the State Industrial Development Authority from the State Industrial Development Authority Incentive Program Fund for the fiscal years ending September 30, 1994, and September 30, 1995, for the Industrial Development Program.

was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 812, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 812. To amend Section 4 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making supplemental appropriations to the Alabama Department of Economic and Community Affairs; to remove the condition that supplemental appropriations be made in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program; and to repeal Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

was taken up.

Senator Dial offered the following amendment to the Bill, HB 812, to-wit:

AMENDMENT TO HB 812

On page 2, line 1, after the word “amend” insert the words:

Section 3 and

On page 2, line 14, after “Section 1.” insert the following:

Section 3 and

On page 2, line 15, delete the word “is” and insert in lieu thereof the word:

are

On page 2, line 15, after the colon insert the following:

“Section 3. (a) In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is appropriated to the department from the State General Fund the sum of \$50,000 for the fiscal year ending September 30, 1993 and the sum of \$629,321 for the fiscal year ending September 30, 1994. Of the said appropriation, \$50,000 shall be expended for a statewide emergency warning system.

(b) In addition to all other appropriations made to the department there is appropriated to the department from the State General Fund the sum of \$115,000 for the fiscal year ending September 30, 1993 for a statewide emergency warning system.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

And said Bill, HB 812, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 209, adopted.

Yeas 31 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 209. To make an appropriation for the payment of interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 84, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 84. To make a supplemental appropriation from the Physical Therapy Fund in the State Treasury to the Board of Physical Therapy for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Penry:

H. 123. To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide fur-

ther for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 123 - to the Committee on Economic Affairs

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 92, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 24 Nays 1

Yeas:

Senators:

Amari, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-24

Nay: Senator Bailey

- 1

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 354, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 354. To amend Section 11-99-6, Code of Alabama 1975, as amended, to authorize the pledge of the increase in other revenue and fees, in addition to property taxes, resulting from development in a tax increment district.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 650, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 650. Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

was taken up.

Senator Dixon offered the following amendment to the Bill, SB 650, to-wit:

AMENDMENT TO SB 650

Amend SB 650 on page 13, lines 19 through 24, by deleting Section 21 in its entirety and inserting a new Section 21 as follows:

"Section 21: Upon written request of the victim, the State Department of Mental Health and Mental Retardation, or other facility with custody of the criminal defendant, shall send the victim a copy to the address stated in the request, of its release opinion which was provided to the appropriate court pursuant to Section 15-16-63, et seq., Code of Alabama 1975."

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey,

Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood,
Waggoner, Wilson, and Windom -28

Nays: - 0

And said Bill, SB 650, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill, SB 340.

Senator Langford, B.I.R., SB 340, adopted.

Yeas 21 Nays 4

Yeas:

Senators:

Bailey, Campbell, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -21

Nays:

Senators:

Bolling, deGraffenried, Hale, and Owens - 4

BILLS ON THIRD READING RESUMED

THE BILL:

S. 340. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

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was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 4

Yeas:

Senators:

Bailey, Campbell, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -21

Nays:

Senators:

Bolling, deGraffenried, Hale, and Owens - 4

BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, SB 135.

Senator Lindsey, B.I.R., SB 135, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 135. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

was taken up.

Senator Bailey offered the following amendment to the Bill, SB 135, to-wit:

AMENDMENT TO SB 135

Amend SB 135 on page 1, line 27 following "full-time" by adding the following language:

; and would provide further for the authorization of county commissions by resolution to increase the compensation of full-time commission chairs whose current compensation is more than \$35,000 by \$5,000 per year.

Further amend SB 135 on page 3, line 17 after the period by inserting the following:

Provided, however, the compensation of any full-time county commission chair whose annual compensation on the effective date of this amendatory act was in excess of thirty-five thousand dollars (\$35,000) shall receive an additional five thousand dollars (\$5,000) in annual compensation.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, SB 135, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill, SB 637.

Senator Mitchem, B.I.R., SB 637, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 637. To amend Sections 16-1-18, 16-8-25, 16-12-21, and 21-1-21, Code of Alabama 1975, to permit the accumulation of certain additional days of sick leave by certain employees in public education, and permit the transfer of sick leave days from one employer to another.

was taken up.

The Standing Committee on Business and Labor Relations reported the following substitute for the Bill, SB 637, to- wit:

SUBSTITUTE FOR SB 637

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 16-1-18, 16-8-25, 16-12-21, and 21-1-21, Code of Alabama 1975, to permit the accumulation of certain additional days of sick leave by certain employees in public education, and permit the transfer of sick leave days from one employer to another.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When used in this act, the following terms shall have the

following meanings, respectively:

(1) **EMPLOYEE.** Any person employed full time as provided by law by those employers enumerated in this section.

(2) **EMPLOYER.** All public city and county boards of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor; the Alabama House of Representatives; any organization participating in the Teachers' Retirement System (excluding any state department or agency not listed herein); and, the State Board of Education as applied to two-year postsecondary education institutions.

(3) **EXECUTIVE OFFICER.** The superintendent of any public county school system or any public city school system; the President of the Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services School District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science; the Secretary of the Senate, the Clerk of the House of Representatives, the Lieutenant Governor; the chief executive officer of any other employer as provided in this section.

Section 2. An employee shall be allowed to accumulate sick leave up to 225 days. Earned sick leave days which have been accrued by an employee shall be transferable from one employer to another up to the maximum number of 225 days. The executive officer of the employer shall take care to ensure that certification of the number of unused sick leave days is provided to the new employer when an employee transfers employment. All of the earned and unused sick leave days which an employee has accumulated shall be transferred to the new employer for use by the employee as provided by law.

Section 3. Section 16-1-18, Code of Alabama 1975, is amended to read as follows:

“§16-1-18.

“(a) The boards of control of city and county school systems and the Alabama Institute for Deaf and Blind shall provide for the payment of school bus drivers and all full-time support personnel who are noncertificated

educational employees for absences resulting from sickness, accidents, or some other unavoidable cause which prevents ~~such the~~ employee from discharging ~~his/her his or her~~ duties; provided, that any employee not utilizing or being paid for the sick leave in any one year may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system or institution or for any other school system or institution in which the employee may later be employed until ~~he/she he or she~~ shall accumulate ~~a the maximum of 180 days~~ number of days as provided in Section 2 of the act amending this section. The reasons for granting sick leave shall be the same as those for teachers.

“(b) The superintendent of the school system shall certify to the state board of education the actual number of days taken and the actual number of substitutes employed and the cost involved. The state board of education shall reimburse the local boards of education for no more than actual costs of employing substitutes up to the amount paid substitute teachers. Should the funds appropriated be insufficient, each board shall be reimbursed on a pro rata basis. The Alabama Institute for Deaf and Blind shall handle all transactions relating to its sick leave program in the same manner as all other state agencies do for their employees.”

Section 4. Section 16-8-25, Code of Alabama 1975, is amended to read as follows:

“§16-8-25.

“The county board of education shall have the authority, under ~~such the~~ rules and regulations ~~as may be~~ promulgated from time to time by the State Board of Education, to provide for leaves of absence and vacations by the employees of the boards and for the payment from public funds to the employees of the boards for leaves of absence ~~and/or or~~ vacations, or both. The boards may provide leaves of absence during the times the schools are not in session for ~~such the~~ teachers and employees on full pay when ~~such the~~ teacher or employee devotes ~~such the~~ leave of absence to instructing in or attending schools for teacher training or in ~~such the~~ manner as approved by the State Board of Education as beneficial to the educational work of the county; and to may also provide for the payment of any full-time teachers for absences during the time schools are in session where ~~such the~~ absence results from sickness or some other unavoidable cause which prevents ~~such the~~ teacher from discharging his or her duties; ~~provided, that~~ Notwithstanding the foregoing, any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the State Department of Education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next

consecutive year or years of employment for the same school system, or for any other school system in which ~~such the~~ educator may later be employed, until he ~~or she~~ shall accumulate ~~a the maximum of 180 days~~ number of days as provided in Section 2 of the act amending this section. Pay for ~~such the~~ absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year. The allowance of ~~any~~ such pay shall at all times be in the discretion of the county board of education."

Section 5. Section 16-12-21, Code of Alabama 1975, is amended to read as follows:

"§16-12-21.

"The city board of education ~~shall have the authority may~~, under ~~such the~~ rules and regulations ~~as may be~~ promulgated from time to time by the State Board of Education, ~~to~~ provide for leaves of absence and vacations by the employees of the boards and for the payment from public funds to the employees of the boards for leaves of absence ~~and/or or~~ vacations, ~~or both~~. The board may provide leaves of absence during the times the schools are not in session for ~~such the~~ teachers and employees on full pay when ~~such the~~ teacher or employee devotes ~~such the~~ leave of absence to instructing in or attending schools for teacher training or in ~~such the~~ manner ~~as~~ approved by the State Board of Education as beneficial to the educational work of the city; and ~~to may~~ provide for the payment of any full-time teachers for absences during the time schools are in session ~~such the~~ absence results from sickness or some other unavoidable cause which prevents ~~such the~~ teacher from discharging his ~~or her~~ duties; ~~provided, that~~ Notwithstanding the foregoing, any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the State Department of Education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system, or in any other school system in which ~~such the~~ educator may later be employed, until he ~~or she~~ ~~shall accumulate a~~ accumulates the maximum of 180 days number of days as provided in Section 2 of the act amending this section. Pay for ~~such the~~ absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year. The allowance of ~~any~~ such pay shall at all times be in the discretion of the city board of education."

Section 6. Section 21-1-21, Code of Alabama 1975, is amended to read as follows:

"§21-1-21.

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"The state board of education ~~is authorized to~~ may establish a sick leave plan for teachers employed by the Alabama Institute for Deaf and Blind, define sick leave, determine the rate of reimbursement for substitute teachers who serve in the place of teachers on sick leave, limit the number of days of sick leave per teacher for which reimbursement may be made up to ~~a the maximum of 180 days~~ number of days as provided in Section 2 of the act amending this section and make ~~such~~ other rules and regulations as may be necessary for the effective operation of this section and section 21-1-20. Any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the state board of education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days without limit to the next consecutive year or years of employment at the institute or in any other school system or public education institution in which ~~such the~~ educator may later be employed as provided in Section 2 of the act amending this section. Pay for absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year."

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

And said Bill, SB 637, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 248.

Senator Hill, B.I.R., HB 248, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 248, to-wit:

AMENDMENT TO HB 248

Amend HB 248 on Page 7, Line 11, as follows:

By striking the words and inserting in lieu thereof the underlined language: "Alabama IFTA-based carriers' qualified vehicles and the qualified vehicles from non-IFTA-member jurisdictions."

Which was adopted.

Yeas 28 Nays 0

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25th Day**

2355

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

And said Bill, HB 248, as thus amended, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill, SB 569.

Senator Foshee, B.I.R., SB 569, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 569. To amend Section 12-17-274, Code of Alabama 1975,

to provide further for the compensation of official court reporters.

was taken up.

Senator Foshee offered the following amendment to the Bill, SB 569, to-wit:

AMENDMENT TO SB 569

Amend SB 569 on page 3, line 5 by adding a new section 2 as follows and renumbering the remaining sections appropriately:

“Section 2. This act shall not be construed to increase any county supplement currently being paid to a court reporter unless authorized by resolution of the county commission in the affected country.”

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

And said Bill, SB 569, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, HB 7.

Senator Windom, B.I.R., HB 7, adopted.

Yeas 28 Nays 0

**REGULAR SESSION
25th Day**

2357

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

FURTHER CONSIDERATION OF HB 7

The Senate proceeded to further consideration of the Bill:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

having been postponed on the Nineteenth Legislative Day.

And said Bill, HB 7, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 618.

Senator Waggoner, B.I.R., HB 618, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey,

Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood,
Waggoner, Wilson, and Windom -28

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 618. To establish a board of trustees who shall be charged with forming the Alabama Family Trust Corporation, the Alabama Family Trust, and the Alabama Family Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey,
Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood,
Waggoner, Wilson, and Windom -28

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill, HB 482.

Senator Mitchell, B.I.R., HB 482, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey,
Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood,
Waggoner, Wilson, and Windom -28

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 482. To amend Section 41-9-594, Code of Alabama 1975, to authorize the Alabama Criminal Justice Information Center to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation and to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, SB 582.

Senator Dixon, B.I.R., SB 582, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 582. Relating to insurance coverage for certain drugs recog-

nized for the treatment of life-threatening illnesses, such as cancer, AIDS, and coronary heart disease.

was taken up.

The Standing Committee on Health reported the following substitute for the Bill, SB 582, to-wit:

SUBSTITUTE FOR SB 582

A BILL TO BE ENTITLED AN ACT

Relating to insurance coverage for certain drugs recognized for the treatment of life-threatening illnesses, such as cancer, AIDS, and coronary heart disease.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) The citizens of this state rely upon health insurance to cover the cost of obtaining health care and it is essential that the citizens' expectation that their health care costs will be paid by their insurance policies is not disappointed and that they obtain the coverage necessary and appropriate for their care within the terms of their insurance policies.

(2) Some insurers deny payment for drugs that have been approved by the Federal Food and Drug Administration, hereafter referred to as FDA, when the drugs are used for indications other than those stated in the labeling approved by the FDA, off-label use, while other insurers with similar coverage terms do pay for off-label use.

(3) Denial of payment for off-label use can interrupt or effectively deny access to necessary and appropriate treatment for a person being treated for a life-threatening illness.

(4) Equity among employers who obtain insurance coverage for their employees and fair competition among insurance companies require that insurance companies assure citizens reimbursement for drugs in the same way and in the way citizens expect.

(5) Off-label use of an FDA-approved drug is legal when prescribed in a medically appropriate manner and is often necessary to provide needed

care. Approximately 50% of cancer drug treatment is for off-label indications. The FDA and the Federal Department of Health and Human Services recognize the wide variety of effective uses of FDA-approved drugs for off-label indications. Information on the appropriate off-label use of FDA-approved drugs is obtained from compendia published by the United States Pharmacopoeial Convention, the American Medical Association, and the American Society of Hospital Pharmacists. In addition, scientific studies of off-label use of drugs published in recognized peer-reviewed professional journals provide information on appropriate use of drugs for off-label indications. The Omnibus Budget Reconciliation Act of 1990 recognizes these three compendia and peer-reviewed literature as appropriate sources for reimbursement and requires Medicaid agencies to pay for off-label use of drugs prescribed for Medicaid patients if the use is stated in any of such sources. The Omnibus Budget Reconciliation Act of 1993 applies the same criteria and coverage to Medicare patients.

(6) Use of FDA-approved drugs for off-label indications provides efficacious drugs at a lower cost. To require that all appropriate uses of a drug undergo approval by the FDA would substantially increase the cost of drugs and delay or even deny patients' ability to obtain medically effective treatment. FDA approval for each use would require substantial expenditure and time to undergo the clinical trials necessary to obtain FDA approval. This is particularly the case when a drug is off-patent and in generic production, and consequently is available at a lower price. Once a drug is in generic production by multiple manufacturers, it is not economically feasible for a manufacturer to incur the cost of FDA approval.

(7) Reimbursement for off-label indications of FDA-approved drugs is necessary to conform to the way in which appropriate medical treatment is provided, to make needed drugs available to patients, and to contain health care costs.

Section 2. The following words and phrases used in this act shall have the following meanings:

(1) **CONTRAINDICATION.** Any condition of disease which renders some particular line of treatment improper or undesirable.

(2) **INDICATION.** When a drug or treatment is appropriate to use for a certain disease state, it is indicated for that disease state.

(3) **INSURANCE POLICY.** An individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract providing for hospital, medical, surgical, or pharmaceutical services.

(4) **MEDICAL LITERATURE.** Published scientific studies published in any peer-reviewed national professional journal.

(5) **OFF-LABEL DRUG.** Drug used to treat a disease condition, other than the condition approved at marketing by the FDA or that is indicated on the package or insert label, under clinically documented conditions for which the drug has proved to be safe and effective.

(6) **STANDARD REFERENCE COMPENDIA.** Any of the following:

a. The United States Pharmacopeia Drug Information Guide For Health Care Professional (USP DI).

b. The American Medical Association Drug Evaluations (AMADE).

c. The American Society of Hospital Pharmacist's American Hospital Formulary Service Drug Information (AHFS-DI).

Section 3. (a) Title 27 of the Code of Alabama 1975, or any other provision of law, rule, or regulation to the contrary notwithstanding, it is specifically provided that:

(1) No insurance policy which provides coverage for drugs shall exclude coverage of a drug for a particular indication on the ground that the drug has not been approved by the Federal Food and Drug Administration for that indication, if the drug is recognized for treatment of that indication in one of the standard reference compendia, or in the medical literature, or by the Commissioner of Insurance.

(2) Coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.

(b) This section shall not be construed to alter existing law with regard to provisions limiting the coverage of drugs that have not been approved by the Federal Food and Drug Administration.

(c) This section shall not be construed to require coverage for any drug when the Federal Food and Drug Administration has determined its use to be contraindicated.

(d) This section shall not be construed to require coverage for experimental drugs not otherwise approved for any indication by the Federal Food and Drug Administration.

(e) The Commissioner of Insurance may direct any person who issues an insurance policy to make payments required by this section.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, SB 582, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, SB 322.

Senator Little, B.I.R., SB 322, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 322. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologist; to make an appropriation; and to prescribe fines and penalties for violations of this act.

was taken up.

The Standing Committee on Energy and Natural Resources reported the following amendment to the Bill, SB 322, to-wit:

AMENDMENT TO SB 322

On page 20, line 28, insert a new Section 25 and renumber subsequent sections, as follows:

Section 25. The Alabama Board of Licensure for Geologists shall be subject to the provisions of the Alabama Sunset Law of 1981, and shall be classified an enumerated agency pursuant to Section 41-20-3 of the Code of Alabama 1975, and shall terminate on October 1, 1996 unless continued as therein provided and, if continued, shall be reviewed every four years thereafter and terminated unless then continued as provided by the law.

On motion of Senator Little, said amendment was laid on the table.

The Standing Committee on Energy and Natural Resources then reported the following amendment No. 2 to the Bill, SB 322, to-wit:

AMENDMENT NO. 2 TO SB 322

Amend SB 322 on Page 6, Line 20, after the language "by regulation," insert the following:

"subject to the Administrative Procedure Act,"

On motion of Senator Little, said amendment was laid on the table.

The Standing Committee on Energy and Natural Resources then reported the following amendment No. 3 to the Bill, SB 322, to-wit:

AMENDMENT NO. 3 TO SB 322

On page 10, on line 18, delete Section 7 in its entirety and insert in lieu thereof a new Section 7 as follows:

Section 7. Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama shall be subject to this act.

The following persons are exempt from licensing under this act:

(a) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government, and non-profit research organizations.

(b) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.

(c) Officers and employees of businesses and industries practicing solely as such officers and employees who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed geologist.

(d) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed geologist.

(e) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and gas exploration and development.

(f) A person who is subordinate to a licensed geologist or who is a geologist-in-training licensed under this act insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology for others in his or her own right or use the term "licensed geologist."

On motion of Senator Little, said amendment was laid on the table.

The Standing Committee on Energy and Natural Resources then reported the following amendment No. 4 to the Bill, SB 322, to-wit:

AMENDMENT NO. 4 TO SB 322

On page 18, on line 7, after the number "7" delete the following:

(b)

On motion of Senator Little, said amendment was laid on the table.

Senator Little then offered the following substitute for the Bill, SB 322, to-wit:

SUBSTITUTE FOR SB 322

A BILL
TO BE ENTITLED
AN ACT

To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Geologists Licensing Act."

Section 2. (a) The Alabama Geologists Licensing Act is enacted for the following purposes:

(1) To protect life, property, health, safety, public welfare, and the environment through the regulation of the practice of geology in the State of Alabama.

(2) To define the practice of geology as a profession and to establish minimum professional standards for ethical conduct, professional responsibility, education, and experience.

(3) To prevent abuses of the practice of geology by untrained or unprincipled individuals.

(b) The intent of this act is to ensure that only those persons who are registered and licensed pursuant to this act, unless they are exempted from licensing, shall publicly practice, offer, or attempt to publicly practice geology or any specialty thereof, claim any specialty in geology as a professional, business, or commercial identification, title, name, representation, or claim, or otherwise hold themselves out to the public as being qualified to practice geology or any of its specialties. Only those licensed pursuant to this act may use the term "licensed geologist."

Section 3. When used in this act, the following words have the following meanings:

(1) BOARD. The Alabama Board of Licensure for Geologists.

(2) GEOLOGIST. A person who holds a degree in the geological sciences from an accredited college or university.

(3) GEOLOGIST-IN-TRAINING. A person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed that part of the professional examination covering fundamental or academic geological subjects.

(4) GEOLOGY. The science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.

(5) GOOD MORAL CHARACTER. Character that tends to ensure the faithful discharge of the professional duties of the licensed geologist based on truth and adherence to ethical principles.

(6) LICENSE. A certificate issued by the board recognizing the individual named in this certificate as meeting the requirements for licensing under this act.

(7) LICENSED GEOLOGIST. A person who holds a license as a geologist under this act.

(8) PUBLIC PRACTICE OF GEOLOGY. The performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology, or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically pro-

vided by this act. A person publicly practices or offers to publicly practice geology if the person does any of the following:

- a. Offers to or provides geological work or services to the public in any branch of the profession of geology.
- b. Represents himself or herself to be a licensed geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.
- c. Implies that he or she is a licensed geologist or that he or she is registered under this act through the use of some other title.
- d. Holds himself or herself out as able to perform or who does perform any geologic services or work recognized by the board as the public practice of geology.

(9) RESPONSIBLE CHARGE OF WORK. The independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) SPECIALTY. A branch of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed geologist.

(11) SUBORDINATE. A person who assists a licensed geologist in the public practice of geology without assuming the responsible charge of work.

(12) UNPROFESSIONAL CONDUCT. The practice of geology by a licensed geologist who willfully performs any act, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

Section 4. (a) There is created the Alabama Board of Licensure for Geologists which shall administer and enforce this act.

(b) The board shall consist of seven members appointed by the Governor who are licensed geologists, except for the initial board. At least one of the seven members shall be Black. In the event a Black geologist is not available to serve on the board, then the Governor may appoint a minority.

(c) Each member of the board shall be a citizen of the United States, a resident of the State of Alabama for at least five years immediately pre-

ceding appointment, reside in the state during the term of office, and be at least 25 years of age.

(d) All members of the initial board shall be appointed by the Governor from a list of nominees who shall at the time of their appointment qualify for licensing under this act and become duly licensed during their term. Membership of the board shall include at least one representative member from each of the following professional subgroups of geologists: Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in the geological sciences; governmental agencies employing geologists; businesses, exclusive of those exempted herein; mining industry; petroleum industry; geotechnical environmental engineering firms; and geological consultants.

(e) After the establishment of the initial board, all members shall be licensed under this act. The term of office of each member of the board shall be three years. Notwithstanding the foregoing, of the members first appointed, two shall be appointed for a term of one year, two for terms of two years, and three for terms of three years. No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years.

(f) Each term on the board shall expire on September 30 of the year in which the term expires. As the term of a member expires, the Governor shall appoint a new individual or reappoint the current member for a full term under subsections (d) and (e). If a vacancy occurs, the Governor shall appoint within 90 days of the vacancy a replacement to fill the vacancy for the remainder of the unexpired term.

(g) The governor may only remove a member of the board for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the member's term in office, malfeasance, violation of this act, or conviction of a felony or other crime of moral turpitude.

(h) Members of the board shall receive reimbursement for expenses incurred in the performance of duties.

(i) The board may employ the necessary personnel for performance of its functions and fix their compensation.

Section 5. (a) The board shall elect from its membership a chair, a vice-chair, and a secretary-treasurer. The board shall adopt rules to govern its proceedings. A majority of the appointed membership of the board shall constitute a quorum for all meetings.

(b) The board shall, by regulation, subject to the Administrative Procedure Act, adopt an administrative code and a code of professional conduct, which shall be published by the board and distributed to every applicant for licensing and to every licensee under this act. The publication shall constitute due notice to all applicants and licensees. The board shall solicit comments from the profession at large concerning said codes and may revise and amend the codes.

(c) The board shall have the authority to prepare, administer, and grade oral written examinations, or both required or permitted by this act to test an applicant's academic preparation and ability to apply such training to the public practice of geology; take any actions necessary to prepare, administer, and grade said examinations, to determine whether the qualifications of an applicant for licensing meet the minimum standards set forth in this act, and shall issue a license to each successful applicant. The board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for licensing as a geologist or in any specialty of geology, provided: (1) that the examination questions and correct answers, and any individual applicant's completed examination, are available to the board, and (2) that the board retains the authority to determine a passing grade for purposes of registration in this state.

(d) The board shall consider all applications for licensing as a geologist or certification in any specialty thereof recognized by the board pursuant to this act, shall issue licenses as provided in this act, and shall adopt a seal which shall be affixed to all licenses issued by the board.

(e) The board may authorize necessary expenditures to implement this act from the fees which it collects, but in no event shall expenditures exceed the revenues of the board during any fiscal year.

(f) The board shall hold a meeting within 30 days after a quorum of its members is first appointed, and thereafter shall hold at least three regular meetings each year. The board may provide, through regulation, for additional special meetings: such as hearings, extra working days for applications review, and examination proctoring. Minutes of each meeting of the board, recording the members present and the business taken thereat, shall be signed and kept by the secretary-treasurer or an assistant secretary appointed by the board.

(g) The board shall establish and receive reasonable and necessary fees to be charged the applicants and registrants in connection with and to support the administration and enforcement of this act. The secretary-trea-

suror shall prepare, certify, and file an annual report of all the receipts, expenditures, and fund balances with the State Comptroller.

(h) The board shall approve licensing through comity for any individual already licensed as a professional geologist or the equivalent in any state, territory, or possession of the United States, or the District of Columbia, if the license is current and, in the opinion of the board, was issued in compliance with licensing requirements that are substantially the same as, or more stringent than, those established pursuant to this act. The board may require additional proof of experience, if desired.

(i) The board shall renew and reissue certificates as provided in this act. As a condition of such reissuance or renewal, the board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as, but not limited to, the review of qualifications, experiences, and requirements for continuing professional educations.

(j) Each present and former member of the board, its agents, employees, and members of committees appointed by the board to assist the board in carrying out its duties and responsibilities, shall be exempt from civil liability for any act or omission occurring while acting in an official capacity. The Attorney General or his or her appointed designee shall, without assessing charges to the board for legal services, defend the board and each present and former member of the board, its agents, employees, and members of committees appointed by the board in any action arising from any act or omission. The Attorney General or his or her appointed designee shall also act as legal advisor to the board.

(k) The board may investigate all reasonably documented complaints of violations of this act and of unprofessional conduct by licensed and non-licensed geologists and shall have the authority to refuse issuance or renewal of or to suspend or revoke any license, and to impose sanctions including restrictions on the practice of any registrant or of a person, firm or corporation practicing under the limitations of this act, for violations of this act or the rules and regulations promulgated hereunder.

(l) The board shall have the power to administer oaths and affirmations and to issue subpoenas to compel the attendance of witnesses and the production of evidence, and shall have the authority to issue cease and desist orders and to seek injunctions against violations of this act or the rules and regulations promulgated hereunder, as provided herein.

(m) The board shall, within one year of its appointment, establish between it and the Alabama State Board of Professional Engineers and

Land Surveyors, a memorandum of understanding, containing guidelines for resolving jurisdictional concerns that may arise between registered engineers and registered geologists.

(n) The board shall have all other powers and authority consistent with this section, not enumerated herein, as are necessary for the administration and enforcement of this act.

Section 6. There is established a separate revenue trust fund in the State Treasury to be known as the "Alabama Board of Licensure for Geologists Fund." All receipts, accounts interest, and disciplinary fines collected by the board under this act shall be deposited in this fund and used only to implement this act. Monies shall be disbursed only by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board or an authorized designee. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-98, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

Section 7. Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama shall be subject to this act.

The following persons are exempt from licensing under this act:

(a) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government, and non-profit research organizations.

(b) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.

(c) Officers and employees of businesses and industries practicing solely as such officers and employees who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed geologist.

(d) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed geologist.

(e) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.

(f) A person who is subordinate to a licensed geologist or who is a geologist-in-training licensed under this act insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology for others in his or her own right or use the term "licensed geologist."

Section 8. (a) This act does not prohibit one or more geologists from practicing through the business organizations of a sole proprietorship, partnership, corporation, or professional association. In a partnership, corporation, or professional association, the primary activity of which consists of geological services affecting the public welfare and which require licensing pursuant to this act, at least one partner or officer shall be a licensed geologist.

(b) This act shall not be construed to prevent or to affect:

(1) The practice of any profession or trade for which a license is required under any other law of this state, including, but not limited to, the practice of registered professional engineers from lawfully practicing soil mechanics, foundations engineering, and other professional engineering, licensed architects or landscape architects from lawfully practicing architecture or landscape architecture, licensed land surveyors from lawfully practicing surveying, or the practice of soil science by certified professionals.

(2) The public practice of geology by a person not a resident of and having no established place of business in this state, when that practice does not exceed in the aggregate more than 90 days in any calendar year, provided the person is duly licensed to practice the profession in another state where the requirements for a license are not less than those specified in this act for obtaining the license required for the work. Within 10 days of entering this state for commencing of the work, a nonresident claiming an exemption under this subdivision shall file with the board a statement which includes the person's name, residence, and license number, and by what authority the license was issued. Upon the completion of the work, the person shall file a statement of the time engaged in the work within the state.

Section 9. An application for licensing as a geologist shall be made under oath and shall show: (1) the applicant's education; (2) a detailed summary of his or her actual geological work experience; (3) a signed statement that the applicant has read and shall adhere to the code of professional

conduct adopted by the board; and (4) not less than five references, of whom three or more shall be geologists having personal knowledge of the applicant's geologic experience. The board shall determine a reasonable application fee which shall accompany each application.

Section 10. (a) An applicant is eligible for a license as a geologist in the State of Alabama if the applicant meets the following minimum requirements:

(1) Is of good moral character.

(2) Has graduated from an accredited college or university with a degree in geology, engineering geology, or one of the related geological sciences and which includes a minimum of 30 semester hours, or their equivalent, or course work in geological science. The appropriate college or university shall document educational experience by submitting a written reference or transcript directly to the board.

(3) Have at least five years of full-time professional geological work after receipt of a bachelor's degree, either as a geologist-in-training or in geologic work related to the public practice of geology which is satisfactory to the board. The following criteria of education and experience qualify as specified toward accumulation of the required years of professional work:

a. The board, at its discretion, may give credit, not in excess of one year for each graduate degree in geology, engineering geology, or one of the related geological sciences.

b. The board may consider as acceptable work experience pursuant to the above geological work, other work in related fields.

c. The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position as determined by the board.

d. Professional geologic research of persons either teaching at the college or university level or in research agencies of state or federal government shall be credited and applied toward the professional requirements herein, provided the work or research in the geological sciences can be documented in writing and is demonstrated to be of a sufficiently responsible nature to be equivalent to the professional requirements as set forth above.

e. In all cases, the ability of the applicant shall have been demonstrated by his or her having gained experience pursuant to this section in a

responsible position as determined by the board. The adequacy of the required supervision and experience shall be documented to the board as described herein below.

f. The professional geologic work experience of the applicant shall be documented in writing. Except as otherwise provided in this subdivision, work experience obtained before receipt of a bachelor's degree shall not be accepted as credit toward professional geologic work experience.

(4) Passes an examination which is designed to demonstrate that the applicant has the necessary knowledge and requisite skill to exercise the responsibilities of the public practice of geology.

(b) The board shall waive the requirements of subdivision (4) of subsection (a) for licensing as a geologist if the applicant meets all other requirements of this act and makes written application to the board not later than one year after the initial board requests applications.

Section 11. Annual examinations shall be formulated and conducted by the board at a time and place the board shall determine. The board shall by regulation establish the fee required for examination.

Section 12. (a) The board shall issue a biennial license upon payment of the license fee to any applicant who has satisfactorily met all the requirements of this act. Licenses shall show the full name of the licensee, shall give a serial number, and shall be signed by the chair and secretary-treasurer of the board under the seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed geologist while the license remains in full force and effect.

(b) Each license expires on a biennial basis or at another interval determined by the board unless the license is renewed. An application for renewal shall be filed with the board and shall be accompanied by the renewal fee prescribed by the board. A license which has expired for failure to renew may only be restored after application and payment of the prescribed restoration fee, provided the renewal applicant meets all other provisions established by the board.

(c) An applicant for renewal of a license shall have satisfactorily maintained continuing education requirements as specified by the board.

(d) A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee established by the board.

Section 13. If, in the opinion of the board, there is a need, in addition to licensing as a geologist, for more definitive recognition of geologic expertise, qualified persons may also be eligible for certification in a specialty. Specialties may be created by the board after notice to all Alabama licensed geologists, after a noticed hearing to explain the proposed specialty or specialties, and after approval of the proposed specialty or specialties by a majority of all Alabama licensed geologists. Specialties shall be created by regulations which shall contain any required additional qualifications or limitations. Only licensed geologists shall be eligible for certification in a specialty. Application may be submitted for both licensing and certification in a specialty at the same time, but the applicant shall be approved for licensing as a geologist before being considered for certification in a specialty. The certification in a specialty is dependent, in every case, upon the approval of licensing as a geologist.

Section 14. (a) Each geologist, upon the issuance of a license, shall obtain from the secretary-treasurer of the board or his or her designee, at a cost prescribed by the board, a seal of the design authorized by the board bearing the licensee's name and the legend "Licensed Geologist - State of Alabama" together with the licensee's serial number. A licensed geologist shall approve, sign, and affix his or her seal to all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by the licensed geologist or a subordinate employee under his or her direction for the use of, or for delivery to, any person or for public record within the State of Alabama.

(b) A qualified nonresident geologist practicing geology in the State of Alabama under temporary approval of the board shall approve and affix his or her signature and impress with his or her authorized licensed seal all drawings, reports or other geologic papers, or documents involving the public practice of geology which have been prepared by a licensed geologist or a subordinate employee under his or her direction for the use of or for delivery to any person or for public record within the State of Alabama.

Section 15. (a) The board shall keep a register of all applications for licensing. The register shall include:

- (1) The name, age, and address of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The applicant's education and other pertinent qualifications.

- (5) Whether an examination was required.
- (6) Whether the applicant was licensed in another state.
- (7) Whether the license was granted.
- (8) The dates of the actions by the board.
- (9) Any other information deemed necessary by the board.

(b) All official records of the board or affidavits by the secretary-treasurer of the board as to the content of such records shall be prima facie evidence of all matters required to be kept therein.

(c) The board shall treat as confidential and not subject to disclosure, except to the extent required by law or by rule or regulation of the board, individual test scores and applications and material relating thereto, including letters of reference relating to an application.

Section 16. The secretary-treasurer of the board shall publish biennially a roster showing the names, license numbers, places of business, and residence addresses of all geologists licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee.

Section 17. Any person may file written charges against any licensed geologist pursuant to rules and regulations adopted by the board. Charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. The board shall investigate all valid complaints.

Section 18. (a) It is unlawful for any person other than a licensed geologist or a subordinate under his or her direction, as defined in Section 7(e) of this act; a geologist explicitly exempt from licensing pursuant to Section 7 of this act; and those persons explicitly exempt under Section 8(b)(1) of this act, to prepare any geologic plans, reports, or documents which relate to the public welfare or safeguarding of life, health, property, or the environment.

(b) It is unlawful for any person to publicly practice, or offer or attempt to publicly practice geology, use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is a licensed geologist, unless the person has been duly licensed.

(c) One year after the initial board takes office, it shall be unlawful for anyone other than a geologist licensed under this act to stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a licensed geologist, use in any manner the seal or stamp of a licensed geologist, or use in any manner the title "licensed geologist" unless that person is licensed hereunder or temporarily approved for geologic work as specified under Section 14.

(d) It is unlawful for any person to affix his or her signature to or to stamp or seal any plans, plats, reports, or other documents as defined by the rules of the board after the license of the person named thereon has expired or has been suspended or revoked.

Section 19. The board may refuse to grant or to renew, may suspend, or may revoke the license of any person licensed under this act who:

(1) Has violated this act or a rule or regulation of the board.

(2) Has been convicted of a misdemeanor under this act.

(3) Has been found guilty of gross unprofessional conduct, dishonest practice, or incompetence, or fraud or deceit in obtaining a license, or in aiding or abetting by fraud or deceit another person's obtaining a license.

(4) Has been convicted of a criminal felony charge impinging on the moral and ethical character of the individual and the profession.

(5) Has suffered revocation, suspension, or denial of a certificate or license to practice geology for any reason in another state.

Section 20. (a) The board shall develop procedures for investigation, prehearing, and hearing of disciplinary actions.

(b) Any person aggrieved by a decision of the board other than a decision in a disciplinary action may petition the board for a hearing.

(c) Judicial review of the board's final decision is available in the manner prescribed by the Alabama Administrative Procedure Act.

Section 21. The board may issue a license to any person whose license has been revoked, when the board finds upon written application by the applicant and a review of the facts that there is good cause to justify reissuance.

Section 22. Any person who does any of the following is guilty of a Class B misdemeanor:

(1) Willfully publicly practices, or offers or attempts to publicly practice, geology for other natural or corporate persons in Alabama without being licensed in accordance with this act or hereby exempted.

(2) Presents or attempts to use as his or her own, the certificate of licensure or seal of another.

(3) Gives false or forged evidence of any kind in obtaining a license.

(4) Impersonates any other licensee.

(5) Attempts to use an expired or revoked license or practices at any time during which the board has suspended or revoked the license.

(6) Violates any provision of this act.

Section 23. As an additional remedy, the board may proceed in a court of an appropriate jurisdiction to enjoin and restrain any person for violating this act. The board shall not be required to post bond in connection with obtaining provisional, preliminary, or permanent injunctive relief pursuant to law.

Section 24. There is appropriated from the Alabama Board of Licensure for Geologists Fund to the Alabama Board of Licensure for the fiscal year ending September 30, 1994, the sum of one hundred fifty thousand dollars (\$150,000). The appropriation shall be in addition to any and all other funds appropriated to the Alabama Board of Licensure for Geologists.

Section 25. The Alabama Board of Licensure for Geologists shall be subject to the provisions of the Alabama Sunset Law of 1981, and shall be classified an enumerated agency pursuant to Section 41-20-3 of the Code of Alabama 1975, and shall terminate on October 1, 1996 unless continued as therein provided and, if continued, shall be reviewed every four years thereafter and terminated unless then continued as provided by the law.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 27. All laws or parts of laws which conflict with this act are repealed.

Section 28. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, SB 322, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the Bill, HB 105.

Senator Smith (J), B.I.R., HB 105, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bolling requested and received permission to suspend the Rules in order to bring up the Bill, SB 371.

Senator Bolling, B.I.R., SB 371, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 371. To exempt the Weldy Home for Children, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill, SB 501.

Senator Corbett, B.I.R., SB 501, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 501. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Tuskegee University for the fiscal year ending September 30, 1995.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell requested and received permission to suspend the Rules in order to bring up the Bill, HB 272.

Senator Campbell, B.I.R., HB 272, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; define the word "farmer"; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

FURTHER CONSIDERATION OF SB 478

The Senate proceeded to further consideration of the Bill:

S. 478. Relating to the compensation of the sheriff, chair of the county commission who serves full time, and the judge of probate of the

several counties; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs so as to provide for an increase in that compensation and to provide that the sheriff, chair of the county commission who serves full time, and judge of probate shall each receive an annual salary that is not less than the greater amount paid to either of the other two officers from the same county.

having been postponed on the Twenty-Third Legislative Day. The question was on the Committee amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Third Legislative Day.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

Senator Dial offered the following amendment to the Bill, SB 478, as amended, to-wit:

AMENDMENT TO SB 478, AS AMENDED

Amend SB 478, as amended, on page 2, after line 24, by inserting the following:

“(c) Any compensation so increased under the provisions of this section shall take effect with the beginning of the next term of office of the sheriff, unless rejected by a resolution of the County Commission.”

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

**REGULAR SESSION
25th Day**

2385

And said Bill, SB 478, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd requested and received permission to suspend the Rules in order to bring up the Bill, HB 387.

Senator Floyd, B.I.R., HB 387, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 387. To amend Section 30-3-62, Code of Alabama 1975, relating to income withholding orders for support, to provide procedures by which income withholding orders may be terminated under certain circumstances without a hearing upon filing of an affidavit by the obligor, notice to the obligee, and issuance of an order.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, SB 554.

Senator Figures, B.I.R., SB 554, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 554. To amend Section 17-10-11, Code of Alabama 1975, to provide for appointment of election workers in sufficient numbers as necessary to process and canvas absentee ballots using optical scanning devices.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 134. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS ON THEIR STATE 3-A HIGH SCHOOL BASKETBALL CHAMPIONSHIP 1993-94 TITLE.

WHEREAS, the Legislature of Alabama most heartily commends the Robert C. Hatch High School Bobcats basketball team on its remarkable 1993-94 season of winning 17 games with only three losses in regular season play, and in clawing their way to win the area and regional tournaments that finally placed them in the "Final-Four" state championship competition which earned the Bobcats the State 3-A High School Basketball Championship, their fourth title since 1978; and

WHEREAS, under the talented leadership of Coach Eugene Mason and his staff, and the exhilarating basketball feats of Dexter King, Nigel Black, William McCreary, and DeWayne Custard who were named to the All-Tournament Team, and the outstanding contributions of every team member including: Detrick Rencher, Theotis Dudley, Otis Hunter, Gregory Smith, Braderick Anderson, Christopher Patterson, Everett Bryant, and Jacob Waddy, the Bobcat fans and student body of Robert C. Hatch High School enjoyed a year of titles and honors and a spectacular season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Robert C. Hatch Bobcats basketball team, the coaches, staff, and the supportive faculty and Principal Walter Collins on the 1993-94 area and regional honors and an outstanding state championship season, and do further direct that copies of this resolution be forwarded to Coach Eugene Mason for appropriate presentation and display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Sanders then requested and received permission to suspend the Rules in order to bring up the Bill, SB 629.

Senator Sanders, B.I.R., SB 629, adopted.

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 629. To provide that a member of a county commission would be allowed to attend one meeting of the county commission per month without a loss of pay or leave; and that the commissioner's compensation paid by the employer would be reduced by the compensation received for attending the meeting.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons requested and received permission to suspend the Rules in order to bring up the Bill, HB 345.

Senator Parsons, B.I.R., HB 345, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little,

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Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 345. To amend Sections 40-12-240 and 40-12-264, Code of Alabama 1975, to add new definitions; to provide further for the number available and the fee payable for a demonstration license plate; to provide for the creation of manufacturer license plates, and levying a fee for manufacturer license plates; to distribute proceeds of the fees; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Escott-Russell requested and received permission to suspend the Rules in order to bring up the Bill, SB 439.

Senator Escott-Russell, B.I.R., SB 439, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 439. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than five days.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILL RECONSIDERED

On motion of Senator Campbell, the Senate reconsidered the vote by which the Bill, HB 272, was passed.

On motion of Senator Campbell, the Senate reconsidered the vote by which the Bill, HB 272, was ordered to its third reading.

Senator Campbell then offered the following substitute for the Bill, HB 272, to-wit:

SUBSTITUTE FOR HB 272**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-12-248 of the Code of Alabama 1975, is amended to read as follows:

“§40-12-248.

“(a) For each truck or truck tractor using the public highways of this state, annual license taxes and registration fees based on the gross vehicle weight in pounds are hereby imposed and shall be charged. For the purposes of this section, the term “gross vehicle weight” shall mean the empty weight of the truck or truck tractor plus the heaviest load to be carried and, in the case of combinations, shall be deemed to include also the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error shall be allowable under ~~any of the provisions of this section~~, except as provided in subsection (b).

“(b) For each truck or truck tractor using the public highways of this state, the annual license taxes and registration fees herein imposed (i) shall consist of the base amount applicable to ~~such the~~ truck or truck tractor under the schedule of base amounts set forth in this subsection, plus (ii) the additional amount, if any, applicable to ~~such the~~ truck or truck tractor under ~~the provisions of~~ the schedule of additional amounts set forth in this subsection:

“SCHEDULE OF BASE AMOUNTS

“Gross Vehicle “Weight in Pounds	Base Amount
“0 to 8,000	\$10.70
“8,001 to 12,000	52.50
“12,001 to 18,000	85.00
“18,001 to 26,000	17.50
“26,001 to 33,000	150.00
“33,001 to 42,000	260.00
“42,001 to 55,000	292.50
“55,001 to 64,000	325.00
“64,001 to 73,280	357.50
“73,281 to 80,000	390.00
“80,001 or over	422.50

“SCHEDULE OF ADDITIONAL AMOUNTS

“Gross Vehicle “Weight in Pounds	Additional Amounts
“0 to 8,000	\$ 2.30

"8,001 to 12,000	52.50
"12,001 to 18,000	85.00
"18,001 to 26,000	117.50
"26,001 to 33,000	150.00
"33,001 to 42,000	260.00
"42,001 to 55,000	292.50
"55,001 to 64,000	325.00
"64,001 to 73,280	357.50
"73,281 to 80,000	390.00
"80,001 or over	422.50

"The total amount of the ~~said~~ annual license tax and registration fee shall be limited with respect to trucks or truck tractors owned and used by a farmer for transporting farm products or the personal property of the farmer for ~~his~~ use on his or her farm to a maximum of ~~\$30.00~~ thirty dollars (\$30) where the gross vehicle weight of the truck or truck tractor does not exceed 30,000 pounds; ~~and to a maximum of \$85.00 eighty-five dollars (\$85)~~ where the gross vehicle weight of the truck or truck tractor exceeds 30,000 pounds but does not exceed 42,000 pounds; ~~and to a maximum of two hundred and fifty dollars (\$250) where the gross vehicle weight of the truck or truck tractor does not exceed 80,000 pounds;~~ and the ~~said~~ annual license tax and registration fee shall be limited with respect to trucks owned and used by any person for transporting forest products from the point of severance to a sawmill, to a papermill, or to a concentration yard to a maximum of ~~\$40.00~~ forty dollars (\$40) where the gross vehicle weight of the truck does not exceed 30,000 pounds and to a maximum of ~~\$65.00~~ sixty-five dollars (\$65) where the gross vehicle weight exceeds 30,000 pounds but does not exceed 42,000 pounds.

"For purposes of enforcement of farm truck license tags, or of forest products truck license tags for trucks that do not exceed 42,000 pounds in gross vehicle weight, all scaled weight shall be allowed a tolerance or a margin of error of 10 percent of the true gross or axle weights to allow for any climatic conditions.

"For each truck tractor which is operated by a certificated motor carrier and which is operated exclusively within 15 miles of the corporate limits of the incorporated municipality in which it is customarily domiciled, but not including vehicles operating beyond the borders of Alabama, and which is registered in the county in which it is customarily domiciled, a total annual license tax and registration fee of ~~\$300.00~~ three hundred dollars (\$300) is ~~hereby~~ imposed and shall be charged.

"The total amount of ~~said~~ the annual license tax and registration fee shall be limited to the following schedule for all self-propelled campers

or house cars; ~~provided, however, said, but a~~ self-propelled camper or a house ~~cars car~~ whose weight does not exceed 8,000 pounds, shall be subject to the provisions of section 40-12-273(b):

“SCHEDULE OF BASE AMOUNTS

“Gross Vehicle “Weight in Pounds	Base Amount
“0 to 8,000	\$ 10.70
“8,001 to 12,000	25.00
“12,001 to 18,000	50.00
“18,001 to 26,000	87.50
“26,001 to 33,000	137.50
“33,001 to 42,000	250.00

“SCHEDULE OF ADDITIONAL AMOUNTS

“Gross Vehicle “Weight in Pounds	Additional Amounts
“0 to 8,000	\$ 2.30
“8,001 to 12,000	25.00
“12,001 to 18,000	50.00
“18,001 to 26,000	87.50
“26,001 to 33,000	137.50
“33,001 to 42,000	250.00

“(c) Every person making application for license under this section to use a truck or truck tractor on the public highways of this state shall be required to make an affidavit declaring the gross vehicle weight of ~~such the~~ truck or truck tractor and file the ~~said~~ affidavit with the judge of probate, or other county licensing officer, in the county in which the ~~said~~ application is made. Upon payment of the applicable motor vehicle license tax or registration fee, the license to use the ~~said~~ truck or truck tractor on the public highways of this state shall be limited to the gross vehicle weight so declared by the owner, which shall be deemed to constitute the allowable gross vehicle weight for which the ~~said~~ vehicle is licensed.

“After having obtained a license under this section with respect to any truck or truck tractor, the owner thereof may during the then current tax year voluntarily increase the allowable gross vehicle weight for which ~~his the~~ vehicle is licensed by making a new affidavit, applying for a new license applicable to the appropriate gross vehicle weight classification, surrendering the license plates or tags previously obtained, and paying the

difference between the fees applicable to a license for the higher weight classification desired and the fee in respect of the license so surrendered. The license classification of a truck or truck tractor may not be decreased, however, except once a year at the time new license tags or plates are purchased for ~~such~~ the truck or truck tractor.”

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 272, as thus amended, was again read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, HB 241.

Senator Hale, B.I.R., HB 241, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

was taken up.

The Standing Committee on Judiciary/Civil reported the following amendment to the Bill, HB 241, to-wit:

AMENDMENT TO HB 241

Amend HB 241, on Page 2, line 5, after the word "act" by deleting the following language:

"; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act".

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 241, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, HB 477.

Senator Lindsey, B.I.R., HB 477, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 477. To amend Section 37-2-84, Code of Alabama 1975, relating to the authority of the Department of Transportation to abandon or discontinue a state highway or a street on a state highway route crossing the tracks or right-of-way of a railroad; to further provide for the authority of the Department of Transportation to abandon, close, and discontinue a portion of any municipal or county highway, street, or right-of-way crossing the tracks or right-of-way of any railroad when the crossing is dangerous, redundant, or it is in the interest of public safety that the crossing be closed.

was read a third time at length and passed.

Yeas 25 Nays 0

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Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, HB 281.

Senator Lindsey, B.I.R., HB 281, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 281. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill, SB 634.

Senator Foshee, B.I.R., SB 634, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 634. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill, HB 46.

Senator Mitchell, B.I.R., HB 46, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the Bill, SB 514.

Senator Dial, B.I.R., SB 514, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 514. To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; to repeal Section 13A-12-3, Code of Alabama 1975; and for other purposes.

was taken up.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, SB 514, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 562.

Senator Windom, B.I.R., SB 562, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 562. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banks; and to provide further for the procedure for the setting of the salary of the superintendent.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, SB 562, to-wit:

SUBSTITUTE FOR SB 562

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banks; and to provide further for the procedure for the setting of the salary of the superintendent and assistant superintendents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 5-2A-3, Code of Alabama 1975, is amended to read as follows:

“§5-2A-3.

“The State Banking Department shall be in the charge of the superintendent, who shall be the chief executive officer of the department. The superintendent shall be a person of good character and shall be neither directly nor indirectly interested in, nor borrow money from, a bank chartered under the laws of this state. Debts of the superintendent existing at the time of his or her appointment with banks chartered under the laws of this state may not be extended or renewed. The superintendent shall be appointed by the Governor by and with the consent of the senate and his or her salary shall be set by the Governor within a salary range established by the Banking Board. The salary of any assistant superintendent of banks shall be set by the Governor within a salary range established by the Banking Board for the position of assistant superintendent of banks. Sections 36-6-5 and 36-6-6 shall not apply to the superintendent of banks. The term of office of the superintendent shall expire on the first day of February after the expiration of the term of office of the Governor making the appointment. If for any reason there ~~should be~~ is a vacancy in the office while the senate is not in session, the Governor shall appoint a superintendent ~~and the superintendent who shall hold office and exercise the powers conferred by law upon the office until the senate meets and passes on the appointment.~~ If the appointment is disapproved by the senate, the appointee shall vacate the office immediately and another appointment shall be made by the Governor in like manner until an appointment is confirmed by the senate. To be eligible for appointment as superintendent, a person shall have had at least five years' experience in the 10 years next preceding the appointment either as an officer of an Alabama bank or an examiner or other officer in a federal or state bank supervisory agency, including the Office of the Comptroller of the Currency, the Federal Reserve System, the Federal Deposit Insurance

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Corporation, and the banking departments of the various states or other equivalent experience for at least five years in the 10 years next preceding the appointment.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 562, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 1

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Foshee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -22

Nay: Senator Little

- 1

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, HB 144.

Senator Barron, B.I.R., HB 144, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little,

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Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 144. Authorizing the Department of Mental Health and Mental Retardation to use the Department of Public Safety to secure criminal history background information through National Crime Center (NCIC) on certain persons the Department of Mental Retardation employs or contracts with, or both, to be direct care providers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, SB 409.

Senator Little, B.I.R., SB 409, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 409. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975, to provide further for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone provided that advance written notice is given all members of the board; and to provide further for the annual appropriation made to the board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, SB 552.

Senator Dixon, B.I.R., SB 552, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 552. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

was taken up.

The Standing Committee on Public Welfare reported the following substitute, as amended, for the Bill, SB 552, to-wit:

SUBSTITUTE, AS AMENDED, FOR SB 552

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the regulation of consumer debt collectors, and provide penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Alabama Fair Debt Collection Practices Act."

Section 2. The Legislature finds and declares as follows:

(1) There is evidence of the use of abusive, deceptive, and unfair debt collection practices by some debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and the invasion of individual privacy.

(2) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

(3) Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.

(4) Abusive debt collection is carried on by phone and through the mail.

Section 3. The Legislature declares that the purpose of this act is to help eliminate abusive debt collection practices by debt collectors and to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged.

Section 4. The following words and phrases used in this act shall have the following meanings unless the context clearly indicates otherwise:

(1) **COMMUNICATION.** The conveying of information regarding a debt directly or indirectly to a person through any medium.

(2) CONSUMER. A natural person obligated to pay a debt.

(3) CREDITOR. A person who offers or extends credit creating a debt or to whom a debt is owed.

(4) DEBT. An obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not the obligation has been reduced to judgment.

(5) DEBT COLLECTOR. A person who uses an instrumentality of interstate commerce or the mail in a business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due another. Notwithstanding the exclusion provided by paragraph g. of this subdivision, the term includes a creditor who, in the process of collecting his or her own debts, uses a name other than his or her name which would indicate that a third person is collecting or attempting to collect the debts. For the purpose of Section 10, the term also includes a person who uses an instrumentality of commerce or the mail in a business the principal purpose of which is the enforcement of security interests.

The term debt collector does not include:

a. An officer or employee of a creditor while, in the name of the creditor, who collects debts for the creditor.

b. A person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of the person is not the collection of debts.

c. An officer or employee of the United States or any state to the extent that collecting or attempting to collect debts is in the performance of his or her official duties.

d. A person while serving or attempting to serve legal process on another person in connection with the judicial enforcement of a debt.

e. A nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiving payments from the consumers and distributing the amounts to creditors.

f. A person collecting or attempting to collect a debt owed or due or asserted to be owed or due another to the extent the activity 1. is incidental to a bona fide fiduciary obligation or a bona fide escrow arrangement; 2. concerns a debt which was originated by the person; 3. concerns a debt which was not in default at the time it was obtained by the person; or 4. concerns a debt obtained by the person as a secured party in a commercial credit transaction involving the creditor.

g. Any attorney in the private practice of law.

h. Any bank or savings and loan association which is regulated by the State Banking Department of Alabama, the Comptroller of Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, or the Office of Thrift Supervision, and all subsidiaries and affiliates of any bank or savings and loan association.

(6) DEPARTMENT. The State Banking Department.

(7) LOCATION INFORMATION. The place of abode, telephone number at the place, or place of employment of the consumer.

Section 5. Every agency falling under the definition of debt collector under this act shall obtain a license for each location and pay to the department an annual fee as set by the Superintendent of Banks not to exceed two hundred dollars (\$200). Debt collectors operating within the state shall submit within 30 days of the effective date of this act to the department the following:

(1) Every name in which the debt collector operates within the state.

(2) A bond in the amount of ten thousand dollars (\$10,000) for the protection of the clients of the agency within the State of Alabama made payable to the state banking department. The amount of the bond may be adjusted every five years according to the consumer price index.

(3) Address of the principal office, whether or not within the state.

(4) Address of all offices within the state.

(5) Multiple agencies having the exact same owners, whether a corporation, partnership, or an individual proprietorship shall be required to have only one bond. A copy of the tax returns or corporate records of the agencies shall be submitted with application to confirm this information.

Section 6. Any debt collector communicating with a person other than the consumer for the purpose of acquiring location information about the consumer shall:

(1) Identify himself or herself, state that he or she is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his or her employer.

(2) Not state that the consumer owes any debt.

(3) Not communicate with a person more than once unless requested to do so by the person or unless the debt collector reasonably believes that the earlier response of the person is erroneous or incomplete and that the person now has correct or complete location information.

(4) Not communicate by post card.

(5) Not use any language or symbol on an envelope or in the contents of any communication effected by the mails or telegram that indicates that the debt collector is in the debt collection business or that the communication relates to the collection of a debt.

(6) After the debt collector knows the consumer is represented by an attorney with regard to the subject debt and has knowledge of, or can readily ascertain, the name and address of the attorney, not communicate with any person other than that attorney, unless the attorney fails to respond within a reasonable period of time to communication from the debt collector.

Section 7. (a) Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of a debt:

(1) At an unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock antemeridian and before 9 o'clock postmeridian, local time at the location of the consumer.

(2) If the debt collector knows the consumer is represented by an attorney with respect to a debt and has knowledge of, or can readily ascertain, the name and address of the attorney, unless the attorney fails to re-

spond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer.

(3) At the place of employment of the consumer if the debt collector knows or has reason to know that the employer of the consumer prohibits the consumer from receiving the communication.

(b) Except as provided in Section 6, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post judgement judicial remedy, a debt collector may not communicate, in connection with the collection of a debt, with a person other than the consumer, his or her attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.

(c) If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector may not communicate further with the consumer with respect to the debt except:

(1) To advise the consumer that collection efforts by the debt collector are being terminated.

(2) To notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by the debt collector or creditor.

(3) Where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy.

If the notice from the consumer is made by mail, notification shall be complete upon receipt.

(d) For the purpose of this section, the term "consumer" includes the spouse, parent (if the consumer is a minor), guardian, executor, or administrator of the consumer.

Section 8. A debt collector may not engage in conduct the natural consequence of which is to harass, oppress, or abuse a person in connection with the collection of a debt. Without limiting the general application of the foregoing, any of the following conduct is a violation of this section:

(1) The use or threat of use of violence or other criminal means to

harm the physical person, reputation, or property of a person.

(2) The use of obscene or profane language the natural consequence of which is to abuse the hearer or reader.

(3) The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency.

(4) The advertisement for sale of a debt to coerce payment of the debt.

(5) Causing a telephone to ring or engaging a person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(6) Except as provided in Section 5, the placement of telephone calls without meaningful disclosure of the identity of the caller.

Section 9. A debt collector may not use false, deceptive, or misleading representations or means in connection with the collection of a debt. Without limiting the general application of the foregoing, any of the following conduct is a violation of this section:

(1) The false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States or any state, including the use of a badge, uniform, or facsimile thereof.

(2) The false representation of either of the following:

a. The character, amount, or legal status of a debt.

b. A service rendered or compensation which may be lawfully received by a debt collector for the collection of a debt.

(3) The false representation or implication that an individual is an attorney or that a communication is from an attorney.

(4) The representation or implication that nonpayment of a debt will result in the arrest or imprisonment of a person or the seizure, garnishment, attachment, or sale of property or wages of a person unless the action is lawful and the debt collector or creditor intends to take the action.

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

(6) The false representation or implication that a sale, referral, or other transfer of an interest in a debt shall cause the consumer to:

- a. Lose any claim or defense to payment of the debt; or
- b. Become subject to a practice prohibited by this act.

(7) The false representation or implication that the consumer committed a crime or other conduct in order to disgrace the consumer.

(8) Communicating or threatening to communicate to a person credit information which is known or should be known to be false, including the failure to communicate that a disputed debt is disputed.

(9) The use or distribution of a written communication which simulates or is falsely represented to be a document authorized, issued, or approved by a court, official, or agency of the United States or a state, or which creates a false impression as to its source, authorization, or approval.

(10) The use of false representation or deceptive means to collect or attempt to collect a debt or to obtain information concerning a consumer.

(11) Except as otherwise provided for communications to acquire location information under Section 6, the failure to disclose clearly in the initial written communication with a consumer in connection with the collection of a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that information obtained will be used for that purpose.

(12) The false representation or implication that accounts have been turned over to innocent purchasers for value.

(13) The false representation or implication that documents are legal process.

(14) The use of a business, company, or organization name other than the true name of the business, company, or organization of the debt collector.

(15) The false representation or implication that documents are not legal process forms or do not require action by the consumer.

(16) The false representation or implication that a debt collector operates or is employed by a consumer reporting agency.

Section 10. A debt collector shall not use unfair or unconscionable means to collect or attempt to collect a debt. Without limiting the general

application of the foregoing, any of the following conduct is a violation of this section:

(1) The collection of an amount (including interest, fee, charge, or expense incidental to the principal obligation), unless the amount is expressly authorized by the agreement creating the debt or permitted by law.

(2) The acceptance by a debt collector from a person of a check or other payment instrument postdated by more than five days unless the person is notified in writing of the intent of the debt collector to deposit the check or instrument not more than 10 nor less than three business days prior to the deposit.

(3) The solicitation by a debt collector of a postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution.

(4) Depositing or threatening to deposit a postdated check or other postdated payment instrument prior to the date on the check or instrument.

(5) Causing charges to be made to a person for communications by concealment of the true purpose of the communication. The charges include, but are not limited to, collect telephone calls and telegram fees.

(6) Taking or threatening to take nonjudicial action to effect dispossession or disablement of property if under any of the following circumstances:

a. There is no present right to possession of the property claimed as collateral through an enforceable security interest.

b. There is no present intention to take possession of the property.

c. The property is exempt by law from dispossession or disablement.

(7) Communicating with a consumer regarding a debt by post card.

(8) Using language or symbol, other than the address of the debt collector on an envelope when communicating with a consumer by use of the mails or by telegram, except that a debt collector may use his or her business name if the name does not indicate that he or she is in the debt collection business.

(9) Recovering of collection fees in excess of one-third of the princi-

pal amount or 15 percent, if the debt is covered by the minicode, Title 5, Chapter 19, Code of Alabama 1975, where allowed by contract or promissory note, or both, or by a written statement by the debtor permitting collection fees or costs, or both.

(10) Recovering collection expenses on loans originating under the Alabama Small Loan Act, Title 5, Chapter 18, Code of Alabama 1975.

Section 11. (a) Within five days after the initial communication with a consumer in connection with the collection of a debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send to the last known address of the consumer or where the collector has reason to believe the consumer is currently residing, a written notice containing:

(1) The amount of the debt;

(2) The name of the creditor to whom the debt is owed;

(3) A statement that unless the consumer, within 30 days after receipt of the notice, disputes the validity of the debt, or a portion thereof, the debt will be assumed to be valid by the debt collector;

(4) A statement that if the consumer notifies the debt collector in writing within the 30-day period that the debt, or a portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy or verification of judgment will be mailed to the consumer by the debt collector; and

(5) A statement that upon the written request of the consumer within a 30-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

(b) If the consumer notifies the debt collector in writing within the 30-day period, that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, any portion thereof, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.

(c) The failure of a consumer to dispute the validity of a debt under this section may not be construed by a court as an admission of liability by the consumer.

(d) Except as provided in subsection (b), a debt collector may attempt to collect the debt within the 30-day period and may demand that payment be made within the 30-day period.

Section 12. If a consumer owes multiple debts and makes a single payment to a debt collector with respect to the debts, the debt collector shall not apply the payment to a debt which is disputed by the consumer and, where applicable, shall apply the payment in accordance with the directions of the consumer.

Section 13. (a) A debt collector who brings a legal action on a debt against a consumer shall:

(1) In the case of an action to enforce an interest in real property securing the obligation of the consumer, bring the action only in a judicial district or similar legal entity in which the real property is located.

(2) In the case of an action not described in paragraph (1), bring the action only in the judicial district or similar legal entity:

a. In which the consumer signed the contract sued upon; or

b. In which the consumer resides or is employed at the commencement of the action.

(b) Nothing in this act shall be construed to authorize the bringing of legal actions by debt collectors.

Section 14. (a) It is unlawful to design, compile, and furnish a form knowing that the form would be used to create the false belief in a consumer that a person other than the creditor of the consumer is participating in the collection of or in an attempt to collect a debt the consumer allegedly owes the creditor, when in fact the person is not so participating.

(b) A person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under Section 17 for failure to comply with a provision of this act.

Section 15. (a) Nothing in this act shall limit a debt collector from accepting past due fines of municipalities, or counties.

(b) Costs and fines imposed pursuant to Chapter 18 (commencing with Section 15-18-60) of Title 15 of the Code of Alabama 1975, may be collected by collection agencies.

Section 16. Debt collections shall be included and abide by Section 8-8-1 of the Code of Alabama 1975. Prejudgment interest in the amount stated by this section shall be allowed unless the rate as stated in the contract takes precedent over this section.

Section 17. (a) Except as otherwise provided by this section, a debt collector who fails to comply with any provisions of this act with respect to a person is liable to the person in an amount equal to the sum of both of the following:

(1) Any actual damage sustained by a person as a result of the failure:

a. In the case of an action by an individual, the additional damages as the court shall allow, but not exceeding one thousand dollars (\$1,000); or

b. In the case of a class action, 1. an amount for each named plaintiff as could be recovered under subparagraph a., and 2. the amount as the court may allow for all other class members, without regard to a minimum individual recovery, not to exceed the lesser of five hundred thousand dollars (\$500,000) or one per centum of the net worth of the debt collector.

(2) In the case of a successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court. On a finding by the court that an action under this section was brought in bad faith and for the purpose of harassment, the court shall award to the defendant attorney's fees reasonable in relation to the work expended and costs.

(b) In determining the amount of liability in an action under subsection (a), the court shall consider, among other relevant factors:

(1) In an individual action under subsection (1)a., the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional.

(2) In a class action under subsection (a)(1)b., the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, the resources of the debt collector, the number of persons adversely affected, and the extent to which the noncompliance of the debt collector was intentional.

(c) A debt collector shall not be held liable in an action brought under this act if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error

notwithstanding the maintenance of procedures reasonably adapted to avoid an error.

(d) A violation of this act shall be intentional, willful, and material.

(e) An action to enforce liability created by this act may be brought in an appropriate court of competent jurisdiction, within one year from the date on which the violation occurs.

Section 18. Compliance with this act shall be enforced by the department.

Section 19. Nothing in this act shall be construed to prevent collection agencies from taking assignments of claims in their own name as real parties in interest for the purpose of billing and collection and bringing suit in their own names provided that no suit authorized by this section shall be instituted on behalf of a collection agency in a court unless the collection agency appears by a duly authorized and licensed attorney at law.

Section 20. (a) Collection agencies having a physical location outside the state but attempting to collect from Alabama residents by means of interstate communication, including telephone, mail, or facsimile transmission, shall be exempt from obtaining a license if:

(1) The agency is properly licensed in another state and furnishes the license to the department.

(2) Out of state agencies shall furnish to the department a copy of the license and a copy of the state law on request.

(b) If the state where the agency is located and licensed or not licensed if not required recognizes an agency located and licensed in Alabama and exempts the Alabama agency from obtaining a local license, then Alabama shall extend the same privilege. If the Alabama agency is not so recognized, the out-of-state agency shall adhere to Alabama law. The department has the option of requiring the fees provided in this act or as provided in the state where the agency is located.

Section 21. All licensing fees shall be paid into the special fund established under Section 5-2A-20, Code of Alabama 1975.

Section 22. Any agency falling under this act who willfully fails to obtain a license shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) not

less than one hundred dollars (\$100) or by imprisonment for not more than six months, or by both a fine and imprisonment in the discretion of the court.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 24. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 552, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 403.

Senator Hill, B.I.R., HB 403, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 403. Proposing an amendment to Amendment No. 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112 in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn requested and received permission to suspend the Rules in order to bring up the Bill, SB 396.

Senator Horn, B.I.R., SB 396, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 396. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

was taken up.

MOTION TO ADJOURN LOST

At 7:07 P.M., Senator Barron moved that the Senate adjourn until Tuesday, April 12, 1994, at 11 o'clock A.M., which motion was lost.

Yeas 8 Nays 12

Yeas:

Senators:

Barron, Bolling, Campbell, Little, Mitchell, Parsons, Waggoner, and Windom - 8

Nays:

Senators:

Corbett, Dial, Escott-Russell, Foshee, Hale, Langford, Lindsey, Owens, Sanders, Smith (J), Underwood, and Wilson - 12

FURTHER CONSIDERATION OF SB 396

The Senate proceeded to further consideration of the Bill, SB 396.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 396, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, HB 398.

Senator Sanders, B.I.R., HB 398, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-

Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 398. Relating to Talladega College, granting certain persons employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

was taken up.

Senator Sanders offered the following amendment to the Bill, HB 398, to-wit:

AMENDMENT TO HB 398

On page 1, line 9, after the word "College" insert the language:

, Concordia College, and Selma University

On page 1, line 10, delete the word "college" and insert in lieu thereof the word:

colleges

On page 1, lines 12 and 13, delete the language "President of Talladega College" and insert in lieu thereof the following language:

Presidents of Talladega College, Concordia College, and Selma University

On page 1, line 21, after the comma, add the following language:

Concordia College, and Selma University;

On page 1, line 22, delete the word "college" and insert in lieu thereof the word:

colleges

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On page 2, line 4, delete the following underlined language “and the President of Talladega College” and insert in lieu thereof the following underlined language:

the Presidents of Talladega College, Concordia College, and Selma University

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

And said Bill, HB 398, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holley, Payne, Harper, and Perdue:

HJR 397. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO PARTICIPATE IN THE DEVELOPMENT OF A SCHOOL DISTRIBUTION FORMULA.

WHEREAS, the Conference Committee on House Bill 193 has required the Joint Fiscal Committee to work with the Governor to develop a recommended distribution formula for the public schools of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Joint Interim Committee is established to work with the Joint Fiscal Committee and the Governor to recommend a distribution formula to be presented to the Legislature for its consideration at the next Special or Regular Session. This committee shall be composed of ten members of the House of Representatives and ten members of the Senate, of which at least five shall be black and five shall be Republicans. The members of the committee shall be appointed by the Presiding Officer of each house and shall reflect gender and geographic diversity. It is the intent of the Legislature that this committee shall have equal responsibility with the Joint Fiscal Committee for the development of a distribution plan.

Each member may receive his or her regular legislative compensation, per diem, and travel expenses for each day the committee member attends a meeting of the Joint Interim Committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn as provided by law, provided that no member shall receive additional legislative compensation or per diem when the Legislature is in session or the member attends another legislative committee on that same day.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Rules were suspended and the Resolution, HJR 397, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Owens requested and received permission to suspend the Rules in order to bring up the Bill, SB 113.

Senator Owens, B.I.R., SB 113, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 113. To amend Sections 41-9-320, 41-9-325 to 41-9-328, inclusive, and Section 41-9-330, Code of Alabama 1975, to rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the scope of authority of the renamed commission to include the preservation and maintenance of historic ironworks and furnaces sites throughout the state.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

SJR 90 SJR 95

Delivered to the Governor on April 7, 1994, at 11:35 A.M.

SB 573

Delivered to the Secretary of State on April 7, 1994, at 2:30 P.M.

SB 542 SJR 121 SJR 123 SJR 124 SJR 126 SJR 127
SJR 120 SJR 122

Delivered to the Governor on April 7, 1994, at 1:22 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:15 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, April 12, 1994, at 11 o'clock A.M.

Yeas 15 Nays 8

Yeas:

Senators:

Barron, Campbell, deGraffenried, Dial, Dixon, Hale, Hill, Horn, Little,
Mitchell, Owens, Parsons, Underwood, Waggoner, and Windom -15

Nays:

Senators:

Bolling, Corbett, Escott-Russell, Foshee, Langford, Lindsey, Smith (J), and
Wilson - 8

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, APRIL 12, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Judson E. Todd, Marion Military Institute, Marion, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -33

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Hale, leave of absence was granted Senators Sanders and Smith (B) for today.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 223. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Hammett, and Holmes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 223, the title of which is set out in the foregoing Message from the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Mitchell, Owens, Parsons, Underwood, Wilson, and Windom -18

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators deGraffenried, Horn, and Hale.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 239. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Cattlemen's Association for the Children's Museum to be used for educational purposes for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Hammett, and Holmes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 239, the title of which is set out in the foregoing Message from the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Underwood, and Wilson

-19

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Horn, Hale, and deGraffenried.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 195. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Hammett, and Holmes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 195, the title of which is set out in the foregoing Message from the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Underwood, and Wilson -19

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Horn, Hale, and deGraffenried.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan:

H. 718. To exempt public corporations formed under Article 9

of Chapter 50 of Title 11 of the Code of Alabama 1975, for the purpose of operating water, sewer, gas, or electric systems from sales, use, and similar gross receipts taxes; to provide for a retroactive effective date; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this act; and to provide an effective date for this act.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 718 - to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Williams (With Notice and Proof):

H. 882. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Napier Field in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

H. 906. Relating to Shelby County; to impose a fee on the privilege of engaging in the business of buying, selling, or renting real property in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 910. Relating to the Twenty-eighth Judicial Circuit of Alabama by authorizing the district attorney to establish a Restitution Recovery Division within the office of the district attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 882, 906, and 910 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 380. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 7, 1994, they adjourn to meet again on Tuesday, April 12, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 380, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

SJR 135. REQUESTING THE STATE BAR ASSOCIATION TO INVESTIGATE THE DEMAND FOR PAYMENT OF ATTORNEY FEES IN THE CASE PARSONS ET AL V. ALABAMA DEPARTMENT OF TRANSPORTATION.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, HB 140.

Senator Denton, B.I.R., HB 140, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bolling, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Underwood, and Windom

-17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 140. To provide for the “Alabama Local Government Training Act”; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 140, was postponed subject to the call of the Chair.

BILL RECONSIDERED

On motion of Senator Hill, the Senate reconsidered the vote by which the Bill, HB 403, was passed.

On motion of Senator Hill, the Senate reconsidered the vote by which the Bill, HB 403, was ordered to its third reading.

Senator Hill then offered the following substitute for the Bill, HB 403, to-wit:

SUBSTITUTE FOR HB 403**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to Section 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112, in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part

thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Section 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112, is amended to read as follows:

“SECTION 94

“(a) The legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any ~~such~~ corporation, association, or company, by issuing bonds or otherwise. ~~It is provided, however, that~~ The legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to alienate, with or without a valuable consideration, public parks and playgrounds, or other public recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city, town, or other subdivision affected thereby, voting at an election held for ~~such~~ that purposes.

“(b) Notwithstanding the provisions of subsection (a), local school boards of education may expend public funds for the recognition of significant contributions to education in Alabama and to promote educational excellence by students, faculty, staff, and the public. Recognitions shall be in the form of trophies, plaques, academic banquets, and other honors that promote academic excellence in the public schools of Alabama and recognize special deeds that strengthen public education in Alabama.”

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In

every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Underwood, Wilson, and Windom -23

Nays: - 0

And said Bill, HB 403, as thus amended, was again read a third time at length as required by the Constitution and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Underwood, Wilson, and Windom -23

Nays: - 0

FURTHER CONSIDERATION OF HB 140

The Senate proceeded to further consideration of the Bill, HB 140.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 552. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 582. Relating to insurance coverage for certain drugs recognized for the treatment of life-threatening illnesses, such as cancer, AIDS, and coronary heart disease.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 478. Relating to the compensation of the sheriff, chair of the county commission who serves full time, and the judge of probate of the several counties; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs so as to provide for an increase in that compensation.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 499. To create new circuit judgeships in certain judicial circuits and new district judgeships in certain counties.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 135. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 562. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banks; and to provide further for the procedure for the setting of the salary of the superintendent and assistant superintendents.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 650. Relating to crime victims' rights; to establish and implement certain rights of victims of crime; and to establish certain procedures for enforcing those rights throughout the criminal justice process.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 322. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 637. To amend Sections 16-1-18, 16-8-25, 16-12-21, and 21-1-21, Code of Alabama 1975, to permit the accumulation of certain additional days of sick leave by certain employees in public education, and permit the transfer of sick leave days from one employer to another.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 569. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF HB 140

The Senate proceeded to further consideration of the Bill, HB 140.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 121. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and grave-yard owners, to further provide for the number of trustees.

Also:

S. 299. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 60. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Also:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Also:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1996, with a modification to amend Section 9-17-3, Code of Alabama 1975, to add a nonvoting, noncompensated member emeritus to the board.

Also:

S. 321. Providing group health insurance for certain retired judges of probate and legislators in the state employees group health insurance plan and providing that the retired judges and legislators shall pay the entire cost for having such group health insurance.

Also:

S. 388. To repeal Section 30-3-7 of the Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in divorce and divorce modification proceedings, and providing for the deposit of the fees in the State General Fund.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 129. RECOGNIZING EUGENE CRUM FOSHEE OF ANDALUSIA FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 85. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

Also:

S. 332. To amend Section 27-14-3, Code of Alabama 1975, relating to insurable interest in personal insurance contracts, to further provide for the insurable interest of a corporation and related legal entities of a corporation in the directors, officers, and employees of the corporation under certain conditions and to further provide for the insurable interest of certain charitable institutions as defined by the Internal Revenue Code in the life of a donor.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 140

The Senate proceeded to further consideration of the Bill, HB 140.

And said Bill, HB 140, was read a third time at length and passed.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Underwood, and Wilson -19

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 377. COMMENDING MR. PRINCE HATCHER'S BOXING ACCOMPLISHMENTS.

Also:

By Rep. Knight (J):

**HJR 378. COMMENDING ELIZABETH KENNEDY ON
OUTSTANDING POLITICAL LEADERSHIP.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 377 and 378, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Lindsey:

**HJR 374. MOURNING THE DEATH OF ROBERT L. JACK-
SON OF CHEROKEE COUNTY.**

Also:

By Reps. Clark (W), Buskey, and Kennedy:

**HJR 375. CONGRATULATING MRS. MINNIE TURNBO OF
WHISTLER, ALABAMA, ON THE OCCASION OF HER 113TH BIRTH-
DAY.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 374 and 375, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Higginbotham, Clark (W), Zoghby, Buskey, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

HJR 373. COMMENDING JOHN TYSON, JR., OF MOBILE, ALABAMA, FOR DISTINGUISHED SERVICE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 373, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rockhold, Zoghby, Gaston, Turner, Box, Buskey, Clark (W), Kennedy, Harper, and Kvalheim:

HJR 356. COMMENDING MICHAEL E. ZOGHBY, OUT-

STANDING JURIST, ON HIS DISTINGUISHED CAREER.

Also:

By Rep. Goodwin:

HJR 357. COMMENDING WALTON R. WRIGHT ON HIS INDUCTION INTO THE 1994 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

Also:

By Rep. Laird:

HJR 358. COMMENDING JOHN A GARRETT OF SNOW-DOWN, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 356, 357, and 358, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

HJR 355. DESIGNATING THE ALABAMA COMMISSION ON AGING AS THE LEAD AGENCY FOR THE EXAMINATION AND REVISION OF THE LONG-TERM CARE SYSTEM IN ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 355, set out in the foregoing Message from

the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 12th day of April, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Clifford Joseph Drouet of Cullman, Alabama to serve as a member of the Alabama Forestry Commission as a Registered Forester effective April 12, 1994. He will be replacing Milton Loughridge and his term will expire April 11, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 12th day of April, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Surface Mining Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 12th day of April, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert Cornell Smith of Birmingham, Alabama to serve as a member of the Alabama Surface Mining Commission effective July 1, 1994. He will be replacing Mr. Clyde White, representing the Alabama Counties which produce the greatest number of tons of surfaced mined coal, and his term will expire June 30, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 12th day of April, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Surface Mining Commission, was read and referred to the Standing Committee on Confirmations.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. McDaniel, Parker (T), Sanderford, Harvey, Burke, Carter, Smith (R), Payne, Newton (C), Beasley, Venable, Layson, Gullatt, Rockhold, Gaston, Kvalheim, Penry, Turner, Harper, McMillan, Hooper, Cullins, Hamilton, Richardson, Rich, Hill, and Smith (C):

H. 814. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; and to amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to provide for disqualification of unemployment compensation benefits due to dismissal for testing positive for the use of illegal drugs.

By Rep. Penry:

H. 123. To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide further for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Newton (C):

H. 344. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

S. 663. Relating to persons with developmental disabilities; creating an "Alabama Bill of Rights for Persons with Developmental Disabilities"; providing legislative intent, definitions, and an effective date.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 544. To amend Section 36-30-2, Code of Alabama 1975, to provide further for certain deaths of volunteer firefighters that are deemed compensable.

By Rep. Morrow:

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

By Rep. Parker (T):

H. 679. To amend Section 36-21-66 of the Code of Alabama

1975, to provide further for the investment authority and policies of the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund.

By Reps. Hooper and Cullins:

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDowell, Spratt, Petelos, Newton (D), Gaines, Biddle, Curry, and Hilliard:

H. 423. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holladay:

H. 654. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 907. Relating to Shelby County, to provide a salary supple-

ment for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

By Rep. Melton (With Notice and Proof):

H. 897. Relating to the office of the sheriff in Tuscaloosa County; to provide for the position of chief jailer in the unclassified service of the county; to provide for the compensation of the chief jailer; and to authorize the Sheriff of Tuscaloosa County to appoint the chief jailer.

By Rep. Cagle (With Notice and Proof):

H. 886. Relating to Walker County; amending Section 6 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), as amended by Act No. 80-673, H. 1116, 1980 Regular Session (Acts 1980, p. 1351), relating to the county civil service system, to provide for the compensation of the members of the civil service board.

By Rep. Harvey (With Notice and Proof):

H. 878. Relating to Blount County: providing for voters to vote at machines with the least voting activity.

By Reps. Walker, Hooper, Knight (J), McKee, Holmes, and Mikell (With Notice and Proof):

H. 825. To provide that the sheriff of Montgomery County, at his or her discretion, may provide a retiring officer his badge and pistol.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Underwood:

S. 575. To establish licensing and inspection requirements for amusement park rides, require mandatory insurance, provide for maintenance and repair records to be kept by owners and operators, create the Advisory Board for Amusement Park Ride Safety in the Department of Agriculture and Industries, and establish penalties and exemptions from coverage.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Petelos, Spratt, McDowell, Newton (D), Gaines, Biddle, and Curry
(With Substitute):

H. 319. To grant to all peace officers, except constables whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendments):

H. 627. To transfer rehabilitation services of handicapped persons from the State Board of Education and State Department of Education to a Board of Rehabilitation Services and Department of Rehabilitation Services; to provide for the personnel, funding, duties, powers, functions, membership, meetings, compensation, and meetings of the board and the department; to expressly preserve certain services and programs; and to provide an effective date of October 1, 1994.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Venable and Mikell:

H. 749. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to repeal Act No. 92-660, H. 63, 1992 Second Special Session.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Hooper, McKee, Knight (J), and Walker (With Notice and Proof):

H. 822. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to provide a regular retirement for employees who complete 30 years of creditable service; to amend Section 1 of Act No. 469 of the Legislature of Alabama of 1989 and Section 1 of Act No. 392 of the Legislature of Alabama of 1993 to increase employee contributions to five percent of salary; and establish provisions for an employee to be restored to active service from service retirement.

By Rep. Campbell (With Notice and Proof):

H. 883. Relating to Calhoun County; to provide for the assessment and collection of additional court costs in the district and circuit court of the county; and to provide for the use of the funds for security at the Calhoun County Courthouse.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 735, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

H. 735. Relating to Barbour County; to repeal Act No. 87-496, 1987 Regular Session, relating to solid waste disposal fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial,

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Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 627, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 627. Relating to Mobile County; to amend Section 18 of Act No. 86-545, S. 655, 1986 Regular Session (Acts 1986, p. 1082), relating to the distribution of funds of the Mobile County Racing Commission, to further provide for the manner of determining payments to eligible retirees from the Mobile County Law Enforcement and Firefighters' Pension Fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dial, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., SB 74, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Campbell, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 74. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Helena in Shelby County.

was taken up.

On motion of Senator Ellis, the Rules were suspended and further consideration of the Bill, SB 74, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 670, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 670. To promote the maintenance of Lowndes County's natu-

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ral beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Lowndes County Health Department to enforce littering laws in Lowndes County; and to prescribe fines for violations.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Smith (J), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 671, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 671. Relating to Lowndes County; providing for the salary of the Sheriff of Lowndes County, payable from the Lowndes County treasury; and repealing of conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 673, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 673. Relating to Lowndes County; providing for the salary of the Sheriff of Lowndes County, payable from the Lowndes County treasury; and repealing of conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., SB 674, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Smith (J), Underwood, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 674. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Helena in Shelby County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 676, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 676. Relating to Monroe County; providing for an additional

expense allowance and salary for the coroner.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., HB 18, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 18. Relating to the District Attorney of the Sixth Judicial Circuit; to provide for an adjustment in the total compensation of the District Attorney of the Sixth Judicial Circuit.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn,

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Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (J), and
Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 106, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial,
Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, and
Windom - 25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, HB 106, to-wit:

SUBSTITUTE FOR HB 106

**A BILL
TO BE ENTITLED
AN ACT**

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Ala-

bama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may by local act provide for the election of the members of the Cullman City Board of Education.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Cullman County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 4 of this act, and no further election shall be required.

(c) Act No. 93-536 which provides for an elected Board of Education in the City of Cullman is hereby ratified.

Section 2. An election upon the proposed amendment shall be held at the next general election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, and Wilson

-25

Nays:

- 0

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And said Bill, HB 106, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Smith (J), Underwood, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., HB 296, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 296. Relating to Coosa County; providing for the county commission to reimburse the offices of the revenue commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing for the funds to be payable from the general fund of the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., HB 297, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, and Wilson - 25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 297. Relating to Coosa County; to provide for five commissioners elected from single-member districts; to provide for the selection of one commissioner to serve as chair; to provide for the salary of the chair and associate commissioners to be the same as provided by existing law; to provide that effective with the term of office that begins in November, 2000, the judge of probate will no longer serve as ex officio member of the commission or as chair; to provide for the boundaries of the five commission districts; to establish a unit road system for the operation of the county roads and bridges; to provide for the employment of an administrator and county engineer; to require members of the county commission to inspect the roads and bridges in their districts; and to repeal all conflicting law, including but not limited to, Act No. 86-239, H. 775, 1986 Regular Session.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 860.

Senator Hill, B.I.R., HB 860, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Underwood, and Wilson -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 860. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Talladega County Board of Registrars.

was read a third time at length and passed.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Underwood, and Wilson -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the Bill, HB 110.

Senator Smith (J), B.I.R., HB 110, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee,

Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons,
Underwood, and Wilson -19

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

was read a third time at length and passed.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee,
Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons,
Underwood, and Wilson -19

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., HB 298, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Ellis, Escott-
Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey,
Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, and
Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 298. Relating to Coosa County; providing that beer or ale

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may be sold in containers not exceeding 32 fluid ounces in size.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., HB 797, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 797. Relating to Calhoun County; to confirm that the Legislature may create a public corporation to assist or aid Calhoun County or any municipality therein in promoting industry, trade, and economic development and grant powers to the public corporation as the Legislature may consider necessary or desirable; to ratify Act No. 82-222 enacted at the 1982 Regular Session of the Alabama Legislature providing for the creation of the Calhoun County Economic Development Council; to approve amendments of and supplements to Act No. 82-222; and to ratify all actions taken and obligations incurred by the Calhoun County Economic Development Council prior to the date of the ratification of this amendment.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., HB 798, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 798. To amend Act No. 79-157, S. 222, 1979 Regular Session, which said act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to authorize additional investments of the retirement fund by the board of trustees of the policemen's and firemen's retirement fund, and to provide further for a one time increase in benefits presently being paid to certain surviving spouses or dependents of deceased members of the fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., HB 800, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Underwood, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 800. Relating to Choctaw County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to fund the operation of ambulance and emergency medical services; prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Underwood, Wilson, and Windom-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., HB 857, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford,

Lindsey, Lipscomb, Little, Mitchem, Owens, Smith (J), Underwood, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 857. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Demopolis in Marengo County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 858, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 858. Relating to Randolph County; providing for the assessment of additional costs and charges in all circuit and district court cases,

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excluding small claims division cases, and providing for the establishment of a Juvenile Court Services Fund and the distribution of moneys in the fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 859, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 859. Relating to Randolph County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., HB 875, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Underwood

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 875. Relating to Coosa County; regulating the liquor traffic by authorizing the county commission to reject certain licenses issued for the sale of alcoholic beverage; and making the rejection subject to review by the Alcoholic Beverage Control Board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., HB 876, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Smith (J), Underwood, Wilson, and Windom - 25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 876. Relating to Coosa County; to provide for the speed limit on unpaved county roads.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., HB 881, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 881. To amend Section 3 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to the establishment of a personnel board for employees of county law enforcement officers in Shelby County, to provide that the position of operations manager shall not be subject to the jurisdiction of the Shelby County Law Enforcement Personnel Board, and that the operations manager shall be appointed and serve at the pleasure of the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., HB 885, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Owens, Parsons, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 885. Relating to Calhoun County; to provide for the assessment of additional court costs in the municipal courts of the county for the purpose of funding the county law library.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., HB 902, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 902. To amend certain portions of Act No. 56, adopted in the 1953 Regular Session of the Alabama Legislature, which authorized the levy of certain sales and use taxes in Tuscaloosa County and the creation of the Tuscaloosa County Special Tax Board, to authorize the Tax Board, but only upon the direction of the governing body of Tuscaloosa County, to levy and impose, from time to time, an additional sales and use tax to equalize the rate of sales and use taxes levied in the County to the highest rate of sales or use tax then being levied by the City of Tuscaloosa or by the City of Northport; and to provide that the proceeds from any such additional sales and use tax shall be allocated entirely to the Tuscaloosa County Commission for general county purposes. Also to amend the distribution formula, subject to the levy of the additional sales and use tax as directed by the Tuscaloosa County Commission, to reduce the share of revenue from the sales and use tax presently levied by the Tax Board and distributed to the City of Tuscaloosa, and to correspondingly increase the share distributed to Tuscaloosa County. Also to provide certain technical corrections to Act No. 56, grant regulatory authority to the Tax Board, and repeal inconsistent provisions.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 898, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 898. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., HB 778, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 778. To fix the fee for the issuance of pistol permits in Limestone County, to provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund, and to provide for the use of such funds and an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., HB 896, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Smith (J), Underwood, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 896. Relating to Tuscaloosa County; to amend Section 2 of Act No. 91-173, H. 454 of the 1991 Regular Session (Acts 1991, p. 232) to further prescribe the compensation of the chief deputy sheriff and provide for the payment thereof.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Wilson, and Windom -25

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 136. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty Sixth Legislative day only.

	Page
H. 433	158
Minors, ages 14 and above, charged with Class a felony, transferred to criminal ct. if age 16, mandatory, discretionary if age 14 to 16	
H. 443	97
Fiduciary capacities for foreign corporations, expanded, Sec. 10-2A-221 am'd.	
S. 658	139
Durable power of attorney, power to give gifts based on principal's prior gift-giving, clarification of Sec. 36-1-2	

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H. 299 152

Health care providers, insurance companies to reimburse within 25 days, Sec. 27-1-17 repealed

S. 403 38

Sellers who resell drugs to purchasers, causes of action estab.

H. 100 40

Supernumerary co. ad valorem tax officials, may transfer into Employees' Retirement System or appropriate co. retirement system, const. amend.

H. 58 39

Supernumerary positions, establishment prohib., may participate in Employees' Retirement System, const. amend.

S. 518 60

Counties and muns. that purchase goods, services, or repairs from local merchants or vendors, exempt from competitive bid law, Sec. 41-16-50 am'd.

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 433, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Underwood, Wilson, and Windom -18

Nay: Senator Corbett - 1

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 433. To provide that any person who has attained the age of

16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 673. To provide a supplemental appropriation to the Office of the Attorney General in the amount of \$50,000 from the Attorney General's Litigation Support Fund and \$1,850,000 from the Attorney General's Special Revenue Fund for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 285. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H. 222, 1993 Regular Session, to make a conditional appropriation to the Department of Mental Health and Mental Retardation.

Also:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 180. To make an appropriation from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Also:

H. 619. Relating to Lee County; to provide for the police jurisdiction of any municipality located partially in Lee County.

Also:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 209. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 251. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1995, for educational purposes.

Also:

H. 202. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

Also:

H. 177. To make an appropriation from the State General Fund

to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

Also:

H. 210. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

Also:

H. 692. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1995.

Also:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 227. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the

increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Also:

H. 291. To amend Section 40-23-2 of the Code of Alabama 1975, which provides for a tax on the gross receipts on the operation of places of exhibition, display, amusement, or entertainment and to exempt football playoffs from the tax and to provide for the continued collection and retention of the funds by the collecting school.

Also:

H. 552. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

Also:

H. 784. Relating to Sumter County; providing for the disposition of certain fees received by the county from the disposal of hazardous waste.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 693. To propose an amendment to the Constitution of 1901,

to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions; and to provide an expiration date of any provisions of the proposed amendment affecting the planning and zoning authority of any municipality.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 193. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 623. Relating to Tuscaloosa County; to alter, rearrange and

extend the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, by annexing certain territory to the City, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that there shall be no police jurisdiction of the City of Tuscaloosa adjoining the territory to be annexed or subsequently annexed, except to determine the equidistance boundary lines for annexations, to provide that subsequent annexations by the City of Tuscaloosa to Parcels 1, 2 and 3 of the territory shall only be by unanimous consent and to provide that the City shall exercise full municipal authority over the annexed territory.

Also:

S. 651. To amend certain portions of Act No. 56, adopted in the 1953 Regular Session of the Alabama Legislature, which authorized the levy of certain sales and use taxes in Tuscaloosa County and the creation of the Tuscaloosa County Special Tax Board, to authorize the Tax Board, but only upon the direction of the governing body of Tuscaloosa County, to levy and impose, from time to time, an additional sales and use tax to equalize the rate of sales and use taxes levied in the County to the highest rate of sales or use tax then being levied by the City of Tuscaloosa or by the City of Northport; and to provide that the proceeds from any such additional sales and use tax shall be allocated entirely to the Tuscaloosa County Commission for general county purposes. Also to amend the distribution formula, subject to the levy of the additional sales and use tax as directed by the Tuscaloosa County Commission, to reduce the share of revenue from the sales and use tax presently levied by the Tax Board and distributed to the City of Tuscaloosa, and to correspondingly increase the share distributed to Tuscaloosa County. Also to provide certain technical corrections to Act No. 56, grant regulatory authority to the Tax Board, and repeal inconsistent provisions.

Also:

S. 652. Relating to Tuscaloosa County; to provide that the county commission or other like governing body of the county shall have enumerated legislative powers; to authorize the county commission to fix and collect fees for costs incurred to implement and operate services outside the corporate limits of any municipality.

Also:

S. 654. To authorize Class IV Municipalities organized in accordance with Section 11-44B-1, et seq., Code of Alabama 1975, that main-

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tain and operate a water and sewer system to establish and collect an additional charge for the furnishing of such services to new customers outside its corporate limits.

Also:

S. 655. Relating to Tuscaloosa County; to amend Section 3 of Act No. 416 of the 1935 Special Session to provide for distribution of the net proceeds of the tax provided for in Act No. 416.

Also:

S. 656. Relating to Tuscaloosa County; to amend Sections 2 and 3 of Act No. 76-594; to provide for the fire protection of such citizens of such county outside the limits of any municipality having a fire department; to provide that the primary fire fighting obligation of the municipality is to its own citizens; and to provide for the payment of a minimum rate for such fire service.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority, the Russell County Water Authority, and the Chambers County E911 Authority from the levy of the tax.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 636. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Demopolis in Marengo County.

Also:

S. 659. Relating to any municipality in Covington County; to provide for the abatement of nuisances in the form of certain weeds or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 433

The Senate proceeded to further consideration of the Bill, HB 433.

Senator Bailey offered the following substitute for the Bill, HB 433, to-wit:

SUBSTITUTE FOR HB 433

A BILL TO BE ENTITLED AN ACT

To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Notwithstanding any other provision of law, any person who has attained the age of 16 years at the time of the conduct charged and who is charged with the commission of any act or conduct, which if committed by an adult would constitute any of the following, shall not be subject to the jurisdiction of juvenile court but shall be charged, arrested, and tried as an adult:

(1) A capital offense.

(2) A Class A felony.

(3) A felony which has as an element thereof the use of a deadly weapon.

(4) A felony which has as an element thereof the causing of death or serious physical injury.

(5) A felony which has as an element thereof the use of a dangerous instrument against any person who is:

- a. A law enforcement officer or official.
- b. A correctional officer or official.
- c. A parole or probation officer or official.
- d. A juvenile court probation officer or official.
- e. A district attorney or other prosecuting officer or official.
- f. A judge or judicial official.
- g. A court officer or official.
- h. A person who is a grand juror, juror, or witness in any legal proceeding of whatever nature when the offense stems from, is caused by, or is related to the role of such person as a juror, grand juror, or witness.

i. A teacher, principal, or employee of the public education system of Alabama.

(6) Trafficking in drugs in violation of Section 13A-12-231, Code of Alabama 1975, or as the same may be amended.

Section 2. Notwithstanding any other provision of law, any person who has been tried in criminal court pursuant to the provisions of this act shall not thereafter be subject to the jurisdiction of juvenile court for any subsequent offense. Provided, however, the provisions of this section shall not apply where the trial in criminal court resulted in an acquittal of all charges.

Section 3. This act shall apply to all cases in which the alleged criminal conduct occurred after the effective date of this act. All conduct

occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. All laws or parts of laws which conflict with this act are repealed to the extent of the conflict.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains. This act shall be construed and, if necessary, reconstrued to make its provisions constitutional.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, and Windom -22

Nay: Senator Amari

- 1

Senator Corbett offered the following substitute for the Bill, HB 433, as amended by the substitute, to-wit:

SUBSTITUTE FOR HB 433, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult; and to provide that persons charged in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless trial of the charges in criminal court results in an acquittal of all charges.

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 17 Nays 6

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Yeas:

Senators:

**Barron, Bolling, Campbell, Dial, Dixon, Ellis, Foshee, Ghee, Hill,
Lindsey, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, and
Windom** **-17**

Nays:

Senators:

Bailey, Corbett, Escott-Russell, Floyd, Horn, and Langford **- 6**

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority, the Russell County Water Authority, and the Chambers County E911 Authority from the levy of the tax.

Also:

S. 623. Relating to Tuscaloosa County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, by annexing certain territory to the City, to make certain findings in regard to the public necessity for the annexation, to provide that the existence of other police jurisdictions shall not affect the validity of the annexation, to provide that there shall be no police jurisdiction of the City of Tuscaloosa adjoining the territory to be annexed or subsequently annexed, except to determine the equidistance boundary lines for annexations, to provide that subsequent annexations by the City of Tuscaloosa to Parcels 1, 2 and 3 of the territory shall only be by unanimous consent and to provide that the City shall exercise full municipal authority over the annexed territory.

Also:

S. 636. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Demopolis in Marengo County.

Also:

S. 651. To amend certain portions of Act No. 56, adopted in the 1953 Regular Session of the Alabama Legislature, which authorized the levy of certain sales and use taxes in Tuscaloosa County and the creation of the Tuscaloosa County Special Tax Board, to authorize the Tax Board, but only upon the direction of the governing body of Tuscaloosa County, to levy and impose, from time to time, an additional sales and use tax to equalize the rate of sales and use taxes levied in the County to the highest rate of sales or use tax then being levied by the City of Tuscaloosa or by the City of Northport; and to provide that the proceeds from any such additional sales and use tax shall be allocated entirely to the Tuscaloosa County Commission for general county purposes. Also to amend the distribution formula, subject to the levy of the additional sales and use tax as directed by the Tuscaloosa County Commission, to reduce the share of revenue from the sales and use tax presently levied by the Tax Board and distributed to the City of Tuscaloosa, and to correspondingly increase the share distributed to Tuscaloosa County. Also to provide certain technical corrections to Act No. 56, grant regulatory authority to the Tax Board, and repeal inconsistent provisions.

Also:

S. 652. Relating to Tuscaloosa County; to provide that the county commission or other like governing body of the county shall have enumerated legislative powers; to authorize the county commission to fix and collect fees for costs incurred to implement and operate services outside the corporate limits of any municipality.

Also:

S. 654. To authorize Class IV Municipalities organized in accordance with Section 11-44B-1, et seq., Code of Alabama 1975, that maintain and operate a water and sewer system to establish and collect an additional charge for the furnishing of such services to new customers outside its corporate limits.

Also:

S. 655. Relating to Tuscaloosa County; to amend Section 3 of Act No. 416 of the 1935 Special Session to provide for distribution of the net proceeds of the tax provided for in Act No. 416.

Also:

S. 656. Relating to Tuscaloosa County; to amend Sections 2 and 3 of Act No. 76-594; to provide for the fire protection of such citizens

of such county outside the limits of any municipality having a fire department; to provide that the primary fire fighting obligation of the municipality is to its own citizens; and to provide for the payment of a minimum rate for such fire service.

Also:

S. 659. Relating to any municipality in Covington County; to provide for the abatement of nuisances in the form of certain weeds or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 433

The Senate proceeded to further consideration of the Bill, HB 433, as amended.

PETITION

At 3:15 P.M. pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending measure, HB 433, page 158 of the calendar, shall cease at 3:45 P.M. on April 12, 1994.

E. C. FOSHEE
BOBBY DENTON
JEFF UNDERWOOD
DON HALE

LOWELL BARRON
STEVE WINDOM
GERALD DIAL
BUTCH ELLIS

RYAN DEGRAFFENRIED	LARRY DIXON
WENDELL MITCHELL	RAY CAMPBELL
GEORGE BOLLING	ALBERT LIPSCOMB
HINTON MITCHEM	CHIP BAILEY
WALTER OWENS	JABO WAGGONER

Which was adopted.

Yeas 24 Nays 6

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -24

Nays:

Senators:

Corbett, Escott-Russell, Figures, Horn, Langford, and Little - 6

FURTHER CONSIDERATION OF HB 433

The Senate proceeded to further consideration of the Bill, HB 433, as amended.

And said Bill, HB 433, as amended, was read a third time at length and passed.

Yeas 28 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Wilson -28

Nays:

Senators:

Corbett and Horn - 2

Senator Foshee moved that the Senate reconsider the vote by which the Bill, HB 433, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 46. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

Also:

H. 226. To make supplemental appropriations from the Alabama Special Educational Trust Fund in the State Treasury to Sparks State Technical College and to Ingram State Community College for the fiscal year ending September 30, 1994.

Also:

H. 281. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 482. To amend Section 41-9-594, Code of Alabama 1975, to authorize the Alabama Criminal Justice Information Center to adopt

policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation and to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

Also:

H. 618. To establish a board of trustees who shall be charged with forming the Alabama Family Trust Corporation, the Alabama Family Trust, and the Alabama Family Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

Also:

H. 751. To provide a supplemental appropriation to the State Industrial Development Authority from the State Industrial Development Authority Incentive Program Fund for the fiscal years ending September 30, 1994, and September 30, 1995, for the Industrial Development Program.

Also:

H. 84. To make a supplemental appropriation from the Physical Therapy Fund in the State Treasury to the Board of Physical Therapy for the fiscal year ending September 30, 1994.

Also:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

Also:

H. 320. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

Also:

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

Also:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

Also:

H. 140. To provide for the "Alabama Local Government Training Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

Also:

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

Also:

H. 477. To amend Section 37-2-84, Code of Alabama 1975, relating to the authority of the Department of Transportation to abandon or discontinue a state highway or a street on a state highway route crossing the tracks or right-of-way of a railroad; to further provide for the authority of the Department of Transportation to abandon, close, and discontinue a portion of any municipal or county highway, street, or right-of-way crossing the tracks or right-of-way of any railroad when the crossing is dangerous, redundant, or it is in the interest of public safety that the crossing be closed.

Also:

H. 144. Authorizing the Department of Mental Health and

Mental Retardation: to use the Department of Public Safety to secure criminal history background information through the National Crime Information Center (NCIC) on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

Also:

H. 345. To amend Sections 40-12-240 and 40-12-264, Code of Alabama 1975, to add new definitions; to provide further for the number available and the fee payable for a demonstration license plate; to provide for the creation of manufacturer license plates, and levying a fee for manufacturer license plates; to distribute proceeds of the fees; and to provide penalties for violations.

Also:

HJR 380. RELATIVE TO MEETING DAYS.

Also:

HJR 397. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO PARTICIPATE IN THE DEVELOPMENT OF A SCHOOL DISTRIBUTION FORMULA.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 18. Relating to the District Attorney of the Sixth Judicial

Circuit; to provide for an adjustment in the total compensation of the District Attorney of the Sixth Judicial Circuit.

Also:

H. 735. Relating to Barbour County; to repeal Act No. 87-496, 1987 Regular Session, relating to solid waste disposal fees.

Also:

H. 875. Relating to Coosa County; regulating the liquor traffic by authorizing the county commission to reject certain licenses issued for the sale of alcoholic beverage; and making the rejection subject to review by the Alcoholic Beverage Control Board.

Also:

H. 876. Relating to Coosa County; to provide for the speed limit on unpaved county roads.

Also:

H. 881. To amend Section 3 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to the establishment of a personnel board for employees of county law enforcement officers in Shelby County, to provide that the position of operations manager shall not be subject to the jurisdiction of the Shelby County Law Enforcement Personnel Board, and that the operations manager shall be appointed and serve at the pleasure of the sheriff.

Also:

H. 885. Relating to Calhoun County; to provide for the assessment of additional court costs in the municipal courts of the county for the purpose of funding the county law library.

Also:

H. 798. To amend Act No. 79-157, S. 222, 1979 Regular Session, which said act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to authorize additional investments of the retirement fund by the board of trustees of the policemen's and firemen's retirement fund, and to provide further for a one time increase in benefits presently being paid to certain surviving spouses or dependents of deceased members of the fund.

Also:

H. 800. Relating to Choctaw County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to fund the operation of ambulance and emergency medical services; prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

Also:

H. 778. To fix the fee for the issuance of pistol permits in Limestone County, to provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund, and to provide for the use of such funds and an effective date.

Also:

H. 896. Relating to Tuscaloosa County; to amend Section 2 of Act No. 91-173, H. 454 of the 1991 Regular Session (Acts 1991, p. 232) to further prescribe the compensation of the chief deputy sheriff and provide for the payment thereof.

Also:

H. 898. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Also:

H. 902. To amend certain portions of Act No. 56, adopted in the 1953 Regular Session of the Alabama Legislature, which authorized the levy of certain sales and use taxes in Tuscaloosa County and the creation of the Tuscaloosa County Special Tax Board, to authorize the Tax Board, but only upon the direction of the governing body of Tuscaloosa County, to levy and impose, from time to time, an additional sales and use tax to equalize the rate of sales and use taxes levied in the County to the highest rate of sales or use tax then being levied by the City of Tuscaloosa or by the City of Northport; and to provide that the proceeds from any such additional sales and use tax shall be allocated entirely to the Tuscaloosa County Commission for general county purposes. Also to amend the distribution formula, subject to the levy of the additional sales and use tax as directed by the Tuscaloosa County Commission, to reduce the share of revenue from the

sales and use tax presently levied by the Tax Board and distributed to the City of Tuscaloosa, and to correspondingly increase the share distributed to Tuscaloosa County. Also to provide certain technical corrections to Act No. 56, grant regulatory authority to the Tax Board, and repeal inconsistent provisions.

Also:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

Also:

H. 296. Relating to Coosa County; providing for the county commission to reimburse the offices of the revenue commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing for the funds to be payable from the general fund of the county.

Also:

H. 297. Relating to Coosa County; to provide for five commissioners elected from single-member districts; to provide for the selection of one commissioner to serve as chair; to provide for the salary of the chair and associate commissioners to be the same as provided by existing law; to provide that effective with the term of office that begins in November, 2000, the judge of probate will no longer serve as ex officio member of the commission or as chair; to provide for the boundaries of the five commission districts; to establish a unit road system for the operation of the county roads and bridges; to provide for the employment of an administrator and county engineer; to require members of the county commission to inspect the roads and bridges in their districts; and to repeal all conflicting law, including but not limited to, Act No. 86-239, H. 775, 1986 Regular Session.

Also:

H. 298. Relating to Coosa County; providing that beer or ale may be sold in containers not exceeding 32 fluid ounces in size.

Also:

H. 857. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Demopolis in Marengo County.

Also:

H. 858. Relating to Randolph County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases, and providing for the establishment of a Juvenile Court Services Fund and the distribution of moneys in the fund.

Also:

H. 859. Relating to Randolph County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a termination date; and providing for a referendum.

Also:

H. 860. To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Talladega County Board of Registrars.

Also:

HJR 356. COMMENDING MICHAEL E. ZOGHBY, OUTSTANDING JURIST, ON HIS DISTINGUISHED CAREER.

Also:

HJR 357. COMMENDING WALTON R. WRIGHT ON HIS INDUCTION INTO THE 1994 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

Also:

HJR 358. COMMENDING JOHN A GARRETT OF SNOWDOUN, ALABAMA.

Also:

HJR 373. COMMENDING JOHN TYSON, JR., OF MOBILE, ALABAMA, FOR DISTINGUISHED SERVICE.

Also:

HJR 374. MOURNING THE DEATH OF ROBERT L. JACKSON OF CHEROKEE COUNTY.

Also:

HJR 375. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 113TH BIRTHDAY.

Also:

HJR 377. COMMENDING MR. PRINCE HATCHER'S BOXING ACCOMPLISHMENTS.

Also:

HJR 378. COMMENDING ELIZABETH KENNEDY ON OUTSTANDING POLITICAL LEADERSHIP.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 797. Relating to Calhoun County; to confirm that the Legislature may create a public corporation to assist or aid Calhoun County or any municipality therein in promoting industry, trade, and economic development and grant powers to the public corporation as the Legislature may consider necessary or desirable; to ratify Act No. 82-222 enacted at the

1982 Regular Session of the Alabama Legislature providing for the creation of the Calhoun County Economic Development Council; to approve amendments of and supplements to Act No. 82-222; and to ratify all actions taken and obligations incurred by the Calhoun County Economic Development Council prior to the date of the ratification of this amendment.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices for all persons eight years and under, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reck-

less and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

Senator Dial moved that the Senate concur in and adopt the following House amendment to the Bill, SB 280, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 280

A BILL TO BE ENTITLED AN ACT

To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification for certain persons; to provide a certificate of exemption from examination for certain persons; to provide for an examination except driving skills, for operators of certain boats and vessels, and provide cer-

tain fees to cover the cost of application, collection, and reporting; to provide certain exemptions; to provide for issuance and use of duplicate certification identifications, and the surrender of the duplicates, or exemption; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for the use and exceptions of certain personal flotation devices and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to prohibit violations of the federal rules or regulations relating to the horsepower of the engines of the vessels; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

Also:

To amend SB 280 as substituted on page 6, line 17 by adding a new subsection (b) as follows and to re-letter subsequent sub-sections accordingly:

“(b) In the case of a vessel or other device described herein, where the operator of the vessel or device is stopped by an enforcement officer of the Department of Conservation and Natural Resources and the operator is suspected of operating the vessel or device under the influence of alcohol or a controlled substance as described in this section, the enforcement officer shall be authorized to administer and shall test at the scene by using a field breathalyzer or other approved device as a screening device to determine if the operator may be operating a vessel or device in violation of the provisions of this act. Furthermore refusal to submit to a field breathalyzer test or other approved testing device shall result in the same punishment as

provided in Section 32-5-192(c) for operators of motor vehicles on the state's highways."

Also:

On page 9, in Section 2, line 18, after the period delete the quotation marks and after the period insert the following new sentence:

No provision of this subsection (i) shall be construed to assess points for DUI convictions under motor vehicle convictions for driving under the influence.

Also:

Amend SB 280 as substituted on page 18, line 12 by deleting the remainder of the line after the word "shall".

Further amend on page 18, line 13 by deleting the words "rules and regulations,".

Further amend on page 18, line 22 by adding the following sentence:

"The rules and regulations promulgated by the Commissioner pursuant to this sub-section shall be subject to the Administrative Procedures Act."

Also:

On page 15, Section 5, subsection (e), in line 7, delete "if the" and delete line 8 in its entirety, and on line 9 delete "country"

Also:

On page 16, in Section 5, subsection (g)(1)c, in line 7. after "c." delete "The" and insert the following:

The lessee signs a statement that the

Also:

On page 36, Section 23(b), in lines 2 and 3 restore the deleted language.

Also:

On page 13, in Section 5 (a), in line 2, after the period, insert a new sentence as follows:

This section shall not apply to any sailboat, rowboat, or canoe.

PETITION

At 4 o'clock P.M. pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending measure, SB 280, shall cease at 4:30 P.M. on April 12, 1994.

GERALD DIAL
JABO WAGGONER
RYAN DEGRAFFENRIED
CHIP BAILEY
BUTCH ELLIS
MAC PARSONS
WALTER OWENS
LOWELL BARRON
HINTON MITCHEM
LARRY DIXON

ODELL HILL
E. C. FOSHEE
ALBERT LIPSCOMB
BOBBY DENTON
JIM SMITH
RAY CAMPBELL
DON HALE
DOUG GHEE
WENDELL MITCHELL

Which was lost.

Yeas 20 Nays 5

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Waggoner -20

Nays:

Senators:

Corbett, Escott-Russell, Lindsey, Little, and Windom

- 5

FURTHER CONSIDERATION OF SB 280

The Senate proceeded to further consideration of the Bill, SB 280. The question was on the Dial motion that the Senate concur in and adopt the House amendment.

Senator Corbett offered a substitute motion that the Senate non-

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concur in the House amendment and appoint a Committee on Conference, which motion was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Dial, Corbett, and Ellis.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 443, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 443. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 658, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 658. To clarify the right of an attorney in fact or agent to make a gift under a power of attorney.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Com-

mittee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 172

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 172, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

JAMES S. CLARK,
TAYLOR HARPER,
YVONNE KENNEDY,

Conferees on the part of the House.

LOWELL BARRON,
WALTER OWENS,
E. CRUM FOSHEE,

Conferees on the part of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HB 172**

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the

named funds for the 1994-95 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

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5. LEGISLATIVE REFERENCE SERVICE:

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(a) Legislative Operations and Support Program			1,797,049
SOURCE OF FUNDS:			
(1) State General Fund	1,797,049		
Total Legislative Reference Service	1,797,049		1,797,049

6. LEGISLATURE:

(a) Legislative Operations and Support Program		13,642,128
It is the intent of the Legisla- ture that (1) at least \$30,000 shall be allocated for the Sen- ate Finance and Taxation Com- mittee, \$30,000 shall be allo- cated for the Office of the Sen- ate Pro Tempore and \$30,000 shall be allocated for the Sen- ate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Com- mittee, the House Rules Com- mittee and the office of the Speaker of the House and (3) \$7,000 shall be allocated to the permanent municipal govern- ment committee as required by Sections 29-2-60 through 29-2- 62, Code of Alabama 1975. The appropriation to the Leg- islature shall be expended un- der the provisions set forth in Section 29-1-22, Code of Ala- bama 1975.		
(b) Capital Outlay Program		1,500,000
SOURCE OF FUNDS:		
(1) State General Fund	15,142,128	
Total Legislature	15,142,128	15,142,128

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program	2,037,106
SOURCE OF FUNDS:	
(1) State General Fund	2,037,106

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Total Court of Civil Appeals .	2,037,106		2,037,106
The above appropriation to the Court of Civil Appeals includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.			

**2. COURT OF CRIMINAL AP-
PEALS:**

(a) Court Operations Program		2,335,226
SOURCE OF FUNDS:		
(1) State General Fund	2,335,226	
Total Court of Criminal Ap- peals	2,335,226	2,335,226

**3. JUDICIAL BUILDING AU-
THORITY, ALABAMA:**

(a) Administrative Support Ser- vices Program		4,147,431
SOURCE OF FUNDS:		
(1) Judicial Building Author- ity Fund, Estimated	4,147,431	
In accordance with Sections 41- 10-260 through 41-10-284, Code of Alabama 1975.		
Total Alabama Judicial Building Authority	4,147,431	4,147,431

**4. JUDICIAL INQUIRY COMMIS-
SION:**

(a) Administrative Services Pro- gram		118,200
SOURCE OF FUNDS:		
(1) State General Fund	118,200	
Total Judicial Inquiry Com- mission	118,200	118,200

**5. JUDICIAL RETIREMENT
FUND:**

(a) Retirement Systems Program		1,625,000
SOURCE OF FUNDS:		
(1) State General Fund	1,625,000	

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Judicial Retirement Fund		1,625,000		1,625,000
6. SUPREME COURT:				
(a) Court Operations Program				5,080,872
SOURCE OF FUNDS:				
(1) State General Fund		5,080,872		
Total Supreme Court		5,080,872		5,080,872
7. SUPREME COURT LIBRARY:				
(a) Court Operations - Library Service Program				937,683
SOURCE OF FUNDS:				
(1) State General Fund		892,683		
(2) Departmental Receipts			45,000	
Total Supreme Court Library		892,683	45,000	937,683
8. UNIFIED JUDICIAL SYSTEM: (ADMINISTRATIVE OFFICE OF COURTS)				
(a) Court Operations Program				76,056,826
Of the above appropriation for the Court Operations Program, \$2,595,000 shall be condi- tioned upon deposits to the State General Fund from court costs and fines equaling or ex- ceeding \$40,500,000 for the 1994-95 fiscal year. The con- ditional appropriation of \$2,595,000 may be released on a quarterly basis if the Direc- tor of Finance certifies each quarter that deposits to the State General Fund from court costs and fines are being depos- ited at the rate necessary to reach \$40,500,000 by Septem- ber 30, 1995. During any quar- ter the Director of Finance may, in addition to certifying and releasing funds for that quar- ter, certify and release funds for				

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<u>Fund Sources Included In Appropriation Total</u>			
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
any previous quarter for which he did not certify and release funds.			
(b) Administrative Services Pro- gram			3,649,750
(c) DUI Referral Program			67,658
(d) Fringe Benefit Program, Estimated			545,000
(e) Court Equipment and Court Security Program			1,029,952
(f) Judicial Building Operations Program			4,147,431
SOURCE OF FUNDS:			
(1) State General Fund	82,701,119		
(2) State General Fund-Social Security-County Judicial, Estimated	545,000		
(3) State General Fund Trans- fer-Juvenile Justice Co- ordinating Council	17,105		
In accordance with Section 12-15-131, Code of Ala- bama 1975.			
(4) Court Referral Officer Fund		1,597,410	
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.			
(5) Juvenile Justice Fund- Balance Brought Forward		35,983	
(6) Court Automation Fund ...		600,000	
In accordance with Section 12-19-180, Code of Ala- bama 1975.			
Total Unified Judicial System	83,263,224	2,233,393	85,496,617

The above appropriation to the Unified Judicial System includes funding for Act 93-882 and new supernumerary positions. The above appropriation shall not be used to fund any district or circuit judgeships other than those in existence or authorized by law as of January 1, 1994. The Unified Judicial System shall not reduce salaries below the level set by the pay classification plan in

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
effect at the time of enactment of this act. In addition to the above appropriation to the Unified Judicial System, there is hereby appropriated \$1,000,000 for the furnishing of the Mobile County Courthouse from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			
2C. EXECUTIVE:			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Management Program			2,200
SOURCE OF FUNDS:			
(1) State General Fund	2,200		
As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.			
Total Alabama Academy of Honor	2,200		2,200
2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:			
(a) Professional and Occupational Licensing and Regulation Program			639,712
SOURCE OF FUNDS:			
(1) Alabama State Board of Public Accountancy Fund		639,712	
As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may			

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	<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
be necessary to pay the re- fund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		639,712	639,712

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program		517,960
SOURCE OF FUNDS:		
(1) State General Fund,		
Estimated	506,160	
For expenditures as pro- vided in Sections 31-3-2 and 36-30-2, Code of Ala- bama 1975.		
(2) State General Fund-Ad- ministrative Costs	11,800	
As provided by Section 41-9- 73, Code of Alabama 1975.		
Total Board of Adjustment	517,960	517,960

**4. AERONAUTICS, DEPART-
MENT OF:**

(a) Aeronautical Administration Program		408,244
(b) Airport Improvement Program To be used only as grants for federal match to airports quali- fying under the FAA National Plan of Integrated Airport Sys- tems.		566,756
(c) Civil Air Patrol Program		46,500
SOURCE OF FUNDS:		
(1) State General Fund-Civil Air Patrol	46,500	
(2) Airport Development Fund-Aviation Fuel Tax ... As provided by Section 4- 2-42, Code of Alabama 1975.		950,000
(3) Airport Development Fund-Federal Funds		25,000

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Total Department of Aero- nautics	46,500	975,000	1,021,500

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program			18,075,335
Of the above appropriation, \$40,000 shall be allocated to the Wicksburg Senior Citizen Center.			
(b) Economic Assistance Program			12,712,308
SOURCE OF FUNDS:			
(1) State General Fund	1,652,156		
(2) State General Fund-Medi- caid Waiver	2,603,812		
(3) Federal and Local Funds .		26,531,675	
Total Commission on Aging ..	4,255,968	26,531,675	30,787,643

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements. In addition to the above appropriation, there is hereby appropriated \$200,000 to the Commission on Aging from the

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
State General Fund to be conditioned upon the availability of funds, the recommendation of the Director of Finance and the approval of the Governor.				
6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:				
(a) Water Resource Development Program				1,849,499
SOURCE OF FUNDS:				
(1) State General Fund-Transfer	1,774,499			
(2) Alabama Agricultural and Conservation Development Commission Revolving Fund			75,000	
As provided in Section 9-8A-4.1, Code of Alabama 1975.				
Total Agricultural and Conservation Development Commission	1,774,499	75,000	1,849,499	
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:				
(a) Agricultural Development Services Program				41,235
SOURCE OF FUNDS:				
(1) State General Fund	41,235			
Total Alabama Agricultural and Industrial Exhibit Commission	41,235			41,235
8. AGRICULTURAL CENTER BOARD:				
(a) Agricultural Development Services Program				1,068,444
(b) Alabama Equine Study Program				10,000
SOURCE OF FUNDS:				

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund	147,016		
For expense and awarding of prizes for fairs as pro- vided in Section 2-7-21, Code of Alabama 1975 and other livestock shows and exhibits and other activi- ties.			
(2) State General Fund-Op- erations	343,379		
(3) State General Fund-Live- stock Coliseum	193,049		
(4) State General Fund-Ala- bama Equine Study Pro- gram	10,000		
(5) Livestock Coliseum Fund		385,000	
Total Agricultural Center Board	693,444	385,000	1,078,444

**9. AGRICULTURE AND INDUS-
TRIES, DEPARTMENT OF:**

(a) Administrative Services Pro- gram	2,229,855
(b) Agricultural Inspection Ser- vices Program	11,430,290
Of the above appropriation, \$75,000 shall be transferred to the Alabama Aquaculture Cen- ter in Gadsden, Alabama and \$783,256 shall be earmarked for the plant protection divi- sion.	
(c) Laboratory Analysis and Disease Control Program	4,419,634
(d) Agricultural Development Services Program	1,599,384
Of the above appropriation, \$25,000 shall be allocated for a small farms program and \$36,000 shall be allocated for repair of the Coliseum in Flo- rence.	
(e) Boll Weevil Eradication Program	1,600,000
In addition to the above appro- priation for the Boll Weevil	

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Eradication Program, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			
SOURCE OF FUNDS:			
(1) State General Fund	9,152,595		
(2) Federal and Local Funds .		2,544,794	
(3) Shipping Point Inspection Fund		4,681,774	
Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975.			
(4) Agricultural Fund		4,900,000	
Total Department of Agriculture and Industries	9,152,595	12,126,568	21,279,163

In addition to the above appropriation to the Department of Agriculture and Industries, there is hereby appropriated (1) \$200,000 for the control of hog cholera and swine diseases; (2) \$150,000 to the Agricultural Development Services Program; and (3) \$50,000 for a Diagnostic Lab in Elba, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

10. AIRPORT AUTHORITY, ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Alabama International Airport Authority	30,000	30,000

11. AGRICULTURAL MUSEUM BOARD, ALABAMA:

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(a) Agricultural Promotional Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund	100,000		
Total Alabama Agricultural Museum Board	100,000		100,000
12. ALABAMA TRUST FUND BOARD:			
(a) Administrative Program			29,595
SOURCE OF FUNDS:			
(1) State General Fund	29,595		
Total Alabama Trust Fund Board	29,595		29,595
13. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			
(a) Product Management Program			33,111,130
(b) Enforcement Program			10,978,527
The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1994-95 shall not be reduced below the level of services provided in this program in fiscal year 1993-94.			
(c) Administrative Services Program			4,765,618
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$7,028,368. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any			

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Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
distribution of revenue generated from the sale of alcoholic beverages.			
SOURCE OF FUNDS:			
(1) ABC Board Fund		48,855,275	
In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipi-			

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
palities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.			
Total Alabama Alcoholic Beverage Control Board		48,855,275	48,855,275
14. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			252,500
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects As provided in Section 34-2-41, Code of Alabama 1975.		252,500	
Total Board for Registration of Architects		252,500	252,500
15. ARCHIVES AND HISTORY, DEPARTMENT OF:			
(a) Historical Resources Management Program			3,031,181
SOURCE OF FUNDS:			
(1) State General Fund	2,701,216		
(2) Federal and Local Funds .		279,965	
(3) Archives Historical Collections Fund		10,000	
In accordance with Section 41-6-71, Code of Alabama 1975.			

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	Fund Sources Included In <u>Apropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(4) Archives Services Fund ... In accordance with Section 41-6-76, Code of Alabama 1975.		40,000	
Total Department of Archives and History	2,701,216	329,965	3,031,181

**16. ATTORNEY GENERAL, OF-
FICE OF THE:**

(a) Legal Advice and Legal Ser- vices Program			11,422,322
(b) Fair Marketing Practices Pro- gram			1,309,806
SOURCE OF FUNDS:			
(1) State General Fund	5,983,935		
(2) State General Fund - Drug Program	110,000		
(3) State General Fund - Con- sumer Protection	509,806		
(4) Federal Funds		1,299,989	
(5) Miscellaneous Receipts ...		4,628,398	
(6) Attorney General's Litiga- tion Support Fund		200,000	
In accordance with Section 36-15-4.2, Code of Ala- bama 1975.			
Total Office of the Attorney General	6,603,741	6,128,387	12,732,128

**17. AUCTIONEERS, ALABAMA
STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program			121,686
SOURCE OF FUNDS:			
(1) State Board of Auctioneers Fund		121,686	
Total Alabama State Board of Auctioneers		121,686	121,686

18. AUDITOR, STATE:

(a) Fiscal Management Program.	585,830
SOURCE OF FUNDS:	

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund	585,830		
Total State Auditor	585,830		585,830

**19. BANKING DEPARTMENT,
STATE:**

(a) Charter, License and Regulate Financial Institutions Pro- gram			4,070,465
(b) Capital Outlay Program			35,000
SOURCE OF FUNDS:			
(1) Banking Assessment Fees As provided in Section 5- 2A-20, Code of Alabama 1975.		3,413,140	
(2) Loan Examination Fund .. As provided in Sections 5- 2A-24, 5-16-38.1, and 5- 18-5, Code of Alabama 1975.		692,325	
Total State Banking Depart- ment		4,105,465	4,105,465

**20. BAR ASSOCIATION, ALA-
BAMA STATE:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			2,472,152
SOURCE OF FUNDS:			
(1) State Bar Association Fund		2,175,494	
As provided in Sections 34- 3-4 and 34-3-44, Code of Alabama 1975.			
(2) Federal and Local Funds . As provided in Sections 34- 3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.		296,658	
Total Alabama State Bar As- sociation		2,472,152	2,472,152

**21. BEAR CREEK DEVELOPMENT
AUTHORITY:**

(a) Water Resource Development Program			44,975
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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	44,975		
Total Bear Creek Develop- ment Authority	44,975		44,975
22. BUILDING COMMISSION, STATE:			
(a) Special Services Program			1,394,514
SOURCE OF FUNDS:			
(1) State General Fund	779,514		
(2) Miscellaneous Funds		615,000	
Total State Building Commis- sion	779,514	615,000	1,394,514
23. BUILDING RENOVATION FI- NANCE AUTHORITY, ALA- BAMA:			
(a) Administrative Support Ser- vices Program			8,000,825
SOURCE OF FUNDS:			
(1) State General Fund-Trans- fer	1,065,506		
(2) Departmental Receipts, Estimated		6,935,319	
Total Alabama Building Reno- vation Finance Authority	1,065,506	6,935,319	8,000,825
24. CAHAWBA ADVISORY COM- MITTEE:			
(a) Historical Resources Manage- ment Program			19,036
SOURCE OF FUNDS:			
(1) State General Fund	19,036		
Total Cahawba Advisory Committee	19,036		19,036
25. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			929,304
In accordance with Sections 26- 16-1 et seq., Code of Alabama 1975.			

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	423,304		
(2) Children's Trust Fund, Estimated		506,000	
Total Child Abuse and Neglect Prevention Board	423,304	506,000	929,304
26. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			152,000
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund		152,000	
As provided in Section 34- 24-143, Code of Alabama 1975.			
Total Alabama State Board of Chiropractic Examiners		152,000	152,000
27. CHOCCOLOCCO CREEK WA- TERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			23,250
SOURCE OF FUNDS:			
(1) State General Fund	23,250		
Total Choccolocco Creek Watershed Conservancy Dis- trict	23,250		23,250
28. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MAN- AGEMENT AUTHORITY:			
(a) Water Resource Development Program			147,144
SOURCE OF FUNDS:			
(1) State General Fund	147,144		
Total Choctawhatchee-Pea Rivers Watershed Manage-			

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
ment Authority	147,144		147,144

**29. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MAN-
AGEMENT AUTHORITY:**

(a) Water Resource Development Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund	100,000		
Total Choctawhatchee-Pea Rivers Watershed Manage- ment Authority	100,000		100,000
The above appropriation is for an Early Warning Flood Con- trol System and is conditioned upon receiving federal match- ing funds for said purpose.			

**30. CONSERVATION AND NATU-
RAL RESOURCES, DEPART-
MENT OF:**

(a) State Land Management Program	1,821,935
(b) Outdoor Recreation Sites and Services Program	29,950,772
Of the above appropriation, \$25,000 shall be expended at Monte Santo State Park.	
(c) Marine Police Program	5,042,132
(d) Wildlife Game and Fish Program	18,769,581
(e) Marine Resources Program ...	2,650,679
(f) Administrative Services Program	4,192,944
(g) Capital Outlay Program	1,158,000
The appropriation to the De- partment of Conservation and Natural Resources shall in- clude Alabama's pro rata share of the Gulf States Marine Fish- eries Commission operation expenses. The appropriation to the Department of Conserva- tion and Natural Resources in- cludes funds for the mainte-	

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
nance, staff and repair of the Governor's official beach mansion.			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer-Parks	762,047		
(2) State General Fund- Transfer-Game and Fish Fund	146,931		
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).			
(3) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts		13,764,650	
(4) Game and Fish Fund-Federal and Local Funds		5,878,000	
(5) State Lands Fund		1,821,935	
The funds hereinabove appropriated from the State Lands Fund include funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.			
(6) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts		1,800,679	
(7) Marine Resources Fund-Federal and Local Funds .		900,000	
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commis-			

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
sioner of Conservation on such Marine Resources Di- vision programs or projects which he deems appropri- ate.			
(8) Marine Police Fund-Li- censes, Fines, Taxes and Other Departmental Re- ceipts		4,330,132	
(9) Marine Police Fund-Fed- eral and Local Funds		800,000	
(10) State Parks Fund		929,934	
(11) Parks Revolving Fund, Estimated		24,258,791	
(12) State Parks Fund-Cig- arette Tax		4,000,000	
(13) Administrative Funds		4,192,944	
The funds hereinabove ap- propriated shall be payable as provided in Sections 9- 2-1 et seq., Code of Ala- bama 1975.			
Total Department of Conser- vation and Natural Resources	908,978	62,677,065	63,586,043

**31. CONTRACTORS, STATE LI-
CENSING BOARD FOR GEN-
ERAL:**

(a) Professional and Occupation- al Licensing and Regulation Program		654,011
SOURCE OF FUNDS:		
(1) State Licensing Board for General Contractors Fund	654,011	
Pursuant to Section 34-8- 25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contrac- tors, there is hereby appro- priated such an amount as may be necessary to pay the refund of any application for license which may have		

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for General Contractors		654,011	654,011

**32. CORRECTIONS, DEPARTMENT
OF:**

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| (a) Administrative Services and
Logistical Support Program ... | 10,241,885 |
| (b) Institutional Services Corrections
Program | 135,185,517 |
| At least \$300,000 of the above
appropriation shall be ex-
pended to upgrade equipment
and the training facility at the
state boot camp. | |
| (c) Correctional Agricultural and
Industries Program | 17,445,933 |
| The Department of Correc-
tions shall not utilize any
portion of its State General
Fund appropriation to sup-
port the Correctional Indus-
tries Program. Of the above
appropriation for the Correc-
tional Industries Program,
\$400,000 shall be expended
for the Community Correc-
tions Program. | |
| (d) Capital Outlay Program | 675,000 |
| SOURCE OF FUNDS: | |
| (1) State General Fund | 137,968,334 |
| (2) Department of Corrections
Industrial Revolving Fund | 17,548,933 |
| The Commissioner of the
Department of Corrections
is authorized to utilize
funds herein appropriated
as matching contributions,
where required and appro-
priate, to generate addi-
tional funds which would
effectively increase the ap-
propriations for the Depart-
ment of Corrections. Any | |

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated. Of this appropriation, \$400,000 shall be expended for the Community Corrections Program.			
(3) Drug Demand Reduction Fund		214,684	
In accordance with Section 13A-12-283, Code of Alabama 1975.			
(4) Federal Funds		816,384	
(5) Departmental Receipts		7,000,000	
Total Department of Corrections	137,968,334	25,580,001	163,548,335

In addition to the above appropriation to the Department of Corrections, there is hereby appropriated \$1,400,000 for Community Corrections to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

33. COSMETOLOGY, ALABAMA BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program

640,900

SOURCE OF FUNDS:

- (1) Alabama Board of Cosmetology Fund

640,900

As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	640,900	640,900
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34. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
(a) Professional and Occupational Licensing and Regulation Pro- gram			187,450
SOURCE OF FUNDS:			
(1) Alabama Board of Exam- iners in Counseling Fund As provided in Section 34- 8A-6, Code of Alabama 1975.		187,450	
Total Alabama Board of Ex- aminers in Counseling		187,450	187,450
35. CREDIT UNION ADMINISTRA- TION, ALABAMA:			
(a) Charter, License and Regulate Financial Institutions Pro- gram			643,359
SOURCE OF FUNDS:			
(1) Alabama Credit Union Administration Fund		643,359	
As provided in Section 5- 17-7, Code of Alabama 1975.			
Total Alabama Credit Union Administration		643,359	643,359
36. CRIME VICTIMS COMPENSA- TION COMMISSION, ALA- BAMA:			
(a) Special Services Program, Estimated			1,128,100
SOURCE OF FUNDS:			
(1) Alabama Crime Victims Compensation Commission Fund, Estimated		1,128,100	
To be expended in accord- ance with Sections 15-23- 1 through 15-23-23, Code of Alabama 1975.			
Total Alabama Crime Victims Compensation Commission ...		1,128,100	1,128,100
37. CRIMINAL JUSTICE INFOR- MATION CENTER, ALABAMA:			

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
(a) Criminal Justice Information Services Program			4,391,540
SOURCE OF FUNDS:			
(1) State General Fund	2,585,865		
(2) Miscellaneous Receipts ...		8,000	
(3) Federal and Local Funds .		1,797,675	
Total Alabama Criminal Jus- tice Information Center	2,585,865	1,805,675	4,391,540

**38. DEVELOPMENT OFFICE,
ALABAMA:**

(a) Promotional Development Program-Alabama Film Com- mission			250,551
(b) Administrative Services Pro- gram			273,420
(c) Industrial Development Pro- gram-Alabama Development Office			4,931,943
Of the above appropriation, \$5,000 shall be transferred to the Wiregrass Leadership, Inc.			
SOURCE OF FUNDS:			
(1) State General Fund-Ala- bama Development Of- fice	4,831,943		
(2) State General Fund-Office of Minority Business	171,046		
(3) State General Fund-Small Business Office of Ad- vocacy	102,374		
(4) State General Fund-Ala- bama Film Commission...	250,551		
(5) Departmental Receipts		100,000	
Total Alabama Development Office	5,355,914	100,000	5,455,914

In addition to the above approp-
riation to the Alabama Devel-
opment Office, there is hereby
conditionally appropriated
from the State General Fund
\$350,000 for the Walker
County Economic and Indus-
trial Development Authority to
be used for developing infra-
structures related to the Corri-

Fund Sources Included In <u>Aproppiation Total</u>		
General Fund	Earmarked Funds	Appropriation Total
dor X transportation system to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.		
39. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		60,000
SOURCE OF FUNDS:		
(1) State Board of Dietetics/ Nutrition Fund	60,000	
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice	60,000	60,000
40. DISTRICT ATTORNEYS:		
(a) Court Operations Program		15,308,902
The proposed spending plan included in the above total is as follows:		
Salaries of District Attorneys		
3,390,692		
For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit		
141,759		
Salaries and expenses of Supernumerary District Attorneys		
1,315,025		
For use in the District Attorney's Office of the following Judicial Circuits:		
1st Judicial Circuit ...		
136,943		
2nd Judicial Circuit ..		
158,685		
3rd Judicial Circuit ...		
253,848		
4th Judicial Circuit ...		
451,085		
5th Judicial Circuit ...		
418,861		
6th Judicial Circuit ...		
410,798		
7th Judicial Circuit ...		
261,299		

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**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
8th Judicial Circuit ...	179,990		
9th Judicial Circuit ...	198,056		
10th Judicial Circuit .	607,417		
11th Judicial Circuit .	129,650		
12th Judicial Circuit .	338,378		
13th Judicial Circuit .	503,789		
14th Judicial Circuit .	174,298		
15th Judicial Circuit .	524,997		
16th Judicial Circuit .	254,676		
17th Judicial Circuit .	165,010		
18th Judicial Circuit .	364,513		
19th Judicial Circuit .	212,362		
20th Judicial Circuit .	307,347		
21st Judicial Circuit .	201,617		
22nd Judicial Circuit .	227,380		
23rd Judicial Circuit .	451,423		
24th Judicial Circuit .	173,559		
25th Judicial Circuit .	172,770		
26th Judicial Circuit .	289,967		
27th Judicial Circuit .	196,060		
28th Judicial Circuit .	257,615		
29th Judicial Circuit .	311,706		
30th Judicial Circuit .	245,561		
31st Judicial Circuit .	144,096		
32nd Judicial Circuit .	219,392		
33rd Judicial Circuit .	108,986		
34th Judicial Circuit .	135,053		
35th Judicial Circuit .	177,825		
36th Judicial Circuit .	127,390		
37th Judicial Circuit .	234,870		
38th Judicial Circuit .	213,603		
39th Judicial Circuit .	161,450		
40th Judicial Circuit .	132,040		
Travel Expenses of District Attorneys	60,176		
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975	166,885		
SOURCE OF FUNDS:			
(1) State General Fund	15,308,902		
Total District Attorneys	15,308,902		15,308,902

41. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Program	7,242,148
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Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds
	Appropriation Total	
(b) Planning Program		53,447,636
Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions and \$50,000 shall be spent for the Alabama Commission on Aerospace Science and Industry created by SJR 119 in the 1991 Regular Session.		
(c) Special Services Program		23,647,205
Of the above appropriation (1) \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties, (2) \$300,000 shall be paid into the Teachers' Retirement System on behalf of Community Action Agency personnel, and (3) at least \$500,000 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.		
(d) Skills Enhancement and Employment Opportunities Program		59,381,450
(e) Energy Management Program		4,341,700
(f) Police Services Program		4,558,424
(g) Law Enforcement Planning and Development Program		12,660,925
(h) Surplus Property Program		3,468,763
(i) Water Resources Program		1,761,700
SOURCE OF FUNDS:		
(1) State General Fund	12,516,247	
(2) Federal and Local Funds .		147,857,309
(3) Administrative Transfers and Other Departmental Receipts		6,738,657
(4) Administrative Transfers from Federal-Donated Surplus Property Sales		2,704,331
(5) Administrative Transfers		

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
from State-Owned Surplus Property Sales		693,407	
Total Alabama Department of Economic and Community Affairs	12,516,247	157,993,704	170,509,951

In addition to the above appropriation to the Alabama Department of Economic and Community Affairs, there is also hereby appropriated 1) the sum of \$300,000 to the Dallas, Lowndes and Wilcox County Commissions for joint economic development purposes, 2) the sum of \$80,000 for Minority Business Development in Montgomery County, 3) \$750,000 to the Economic Development Revolving Loan Program, pursuant to Act 90-650 and 4) \$750,000 to the Small Business Incubator Program, pursuant to Act No. 93-543, all of which shall be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**42. EDUCATION, DEPARTMENT
OF:**

(a) Rehabilitation Services Program			4,567,763
SOURCE OF FUNDS:			
(1) State General Fund-Homebound	1,870,341		
(2) State General Fund-Eye Injury Register.....	41,234		
(3) Federal and Local Funds .		2,656,188	
Total Department of Education	1,911,575	2,656,188	4,567,763

43. ELECTRICAL CONTRACTORS, BOARD OF:

- (a) Professional and Occupational

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**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
Licensing and Regulation Program			96,000
SOURCE OF FUNDS:			
(1) Alabama Board of Electrical Contractors Fund		96,000	
As provided in Section 34- 36-17, Code of Alabama 1975.			
Total Board of Electrical Contractors		96,000	96,000

**44. ELK RIVER DEVELOPMENT
 AGENCY:**

(a) Water Resource Development Program			3,517
SOURCE OF FUNDS:			
(1) State General Fund	3,517		
Total Elk River Development Agency	3,517		3,517

**45. EMERGENCY MANAGEMENT
 AGENCY:**

(a) Readiness and Recovery Pro- gram			10,489,880
(b) Transfer to County Emer- gency Management Agencies The above appropriation of \$325,500 is in addition to the regular allocations to county emergency management agen- cies.			325,500
SOURCE OF FUNDS:			
(1) State General Fund	1,144,081		
(2) Federal and Local Funds .		9,671,299	
Total Emergency Management Agency	1,144,081	9,671,299	10,815,380

**46. ENERGY BOARD,
 SOUTHERN STATES:**

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Re- search and Topographic Map- ping Program			21,511
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) State General Fund	21,511			
Total Southern States Energy Board	21,511			21,511
47. ENGINEERS AND LAND SUR- VEYORS, STATE BOARD OF REGISTRATION FOR PRO- FESSIONAL:				
(a) Professional and Occupational Licensing and Regulation Pro- gram				669,429
SOURCE OF FUNDS:				
(1) Professional Engineers Fund			669,429	
As provided in Section 34- 11-36, Code of Alabama 1975.				
Total State Board of Registra- tion for Professional Engineers and Land Surveyors			669,429	669,429
48. ENVIRONMENTAL MANAGE- MENT, DEPARTMENT OF:				
(a) Environmental Management Program				51,467,252
Of the above appropriation the sum of \$20,000 shall be used to monitor water quality of Portersville Bay. The Depart- ment may not assess charges of any type to NPDES permit holders to offset the cost of monitoring.				
SOURCE OF FUNDS:				
(1) State General Fund- Transfer	4,529,054			
(2) State General Fund- Transfer to Water Pollu- tion Control Authority	940,751			
(3) State General Fund-Trans- fer to Hazardous Substance Cleanup Fund	42,761			
In accordance with Sections 22-30A-3 through 22-30A-				

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
11, Code of Alabama 1975.			
(4) Environmental Manage- ment Fines and Fees		12,961,060	
As provided in Section 22- 22A-11, Code of Alabama 1975.			
(5) Federal Funds		14,602,235	
(6) Federal Match-Water Pol- lution Control Authority ..		11,000,000	
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund		705,000	
As provided in Section 22- 35-9, Code of Alabama 1975.			
(8) Underground and Above- ground Storage Tank Trust Fund		4,705,000	
As provided in Section 22- 35-5, Code of Alabama 1975.			
(9) Environmental Education Fund		750,000	
In accordance with Section 32-6-156.1, Code of Ala- bama 1975.			
(10) Hazardous Substance Cleanup Fund		250,000	
In accordance with Sections 22-30A-3 through 22-30A- 11, Code of Alabama 1975.			
(11) SRF Administrative Fees .		981,391	
In accordance with Section 22-34-3, Code of Alabama 1975.			
Total Department of Environ- mental Management	5,512,566	45,954,686	51,467,252

**49. ETHICS COMMISSION, ALA-
BAMA:**

(a) Regulation of Public Officials and Employees Program		369,070
SOURCE OF FUNDS:		
(1) State General Fund	369,070	
Total Alabama Ethics Com- mission	369,070	369,070

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
50. FARMERS' MARKET AUTHORITY:				
(a) Agricultural Development Services Program				174,474
(b) Capital Outlay Program				93,845
SOURCE OF FUNDS:				
(1) State General Fund	130,039			
(2) State General Fund-Capital Outlay	93,845			
(3) Farmers' Market Authority Fund			44,435	
Total Farmers' Market Authority	223,884	44,435		268,319
51. FINANCE, DEPARTMENT OF:				
(a) Fiscal Management Program .				5,439,459
(b) Administrative Support Services Program				4,215,000
SOURCE OF FUNDS:				
(1) State General Fund	9,435,459			
(2) Miscellaneous Funds		219,000		
Total Department of Finance .	9,435,459	219,000		9,654,459
52. FINANCE, DEPARTMENT OF - CAPITOL COMPLEX MAINTENANCE AND REPAIR:				
(a) Administrative Support Services Program				8,051,229
SOURCE OF FUNDS:				
(1) Capitol Complex Revolving Fund		8,051,229		
Total Department of Finance - Capitol Complex Maintenance and Repair		8,051,229		8,051,229
53. FINANCE, DEPARTMENT OF - DATA CENTER REVOLVING FUND:				
(a) Administrative Support Services Program				22,040,203
SOURCE OF FUNDS:				
(1) Data Center Revolving Fund		22,040,203		

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**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
Total Department of Finance - Data Center Revolving Fund.		22,040,203	22,040,203

It is the intent of the Legislature that the Data Systems Management Division-Department of Finance shall absorb \$180,000 in increased computer time usage for the State Personnel Department and shall continue to loan five (5) clerical employees to the State Personnel Department resulting from the implementation of Government Human Resources System (GHRs) for the fiscal year beginning October 1, 1994.

**54. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:**

(a) Administrative Support Services Program		7,274,648
SOURCE OF FUNDS:		
(1) Mail and Supply Revolving Fund	7,274,648	
Total Department of Finance - Mail and Supply	7,274,648	7,274,648

**55. FINANCE, DEPARTMENT OF -
MOTOR POOL:**

(a) Administrative Support Services Program		1,816,031
SOURCE OF FUNDS:		
(1) Motor Pool Revolving Fund	1,816,031	
Total Department of Finance - Motor Pool	1,816,031	1,816,031

**56. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:**

(a) Administrative Support Services Program		6,148,869
SOURCE OF FUNDS:		

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(1) Printing and Publications Revolving Fund		6,148,869	
Total Department of Finance - Printing and Publications		6,148,869	6,148,869

**57. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:**

(a) Administrative Support Ser- vices Program			2,122,120
SOURCE OF FUNDS:			
(1) State Insurance Fund-Ad- ministration		1,245,848	
As provided in Sections 41- 15-1, et seq., Code of Ala- bama 1975.			
(2) General Liability Trust Fund-Administration		876,272	
As provided in Sections 36- 1-6.1, et seq., Code of Ala- bama 1975.			
Total Department of Finance- Risk Management		2,122,120	2,122,120

**58. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING
FUND:**

(a) Administrative Support Ser- vices Program			16,052,788
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	1,494,350		
(2) Telephone Revolving Fund, Estimated		14,558,438	
Total Department of Finance - Telephone Revolving Fund	1,494,350	14,558,438	16,052,788

**59. FOREIGN TRADE RELATIONS
COMMISSION:**

(a) Special Services Program			116,264
SOURCE OF FUNDS:			
(1) State General Fund	116,264		
Total Foreign Trade Relations Commission	116,264		116,264

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
60. FORENSIC SCIENCES, DE- PARTMENT OF:				
(a) Forensic Science Services Program				7,213,348
SOURCE OF FUNDS:				
(1) State General Fund	6,667,552			
(2) Federal and Local Funds ..		545,796		
Total Department of Forensic Sciences	6,667,552	545,796		7,213,348
61. FORESTERS, ALABAMA STATE BOARD OF REGIS- TRATION FOR:				
(a) Professional and Occupational Licensing and Regulation Program				45,000
SOURCE OF FUNDS:				
(1) Professional Foresters Fund		45,000		
As provided in Section 34- 12-36, Code of Alabama 1975.				
Total Alabama State Board of Registration for Foresters		45,000		45,000
62. FORESTRY COMMISSION, ALABAMA:				
(a) Forest Resources Protection and Development Program				24,537,135
(b) Capital Outlay Program				519,500
SOURCE OF FUNDS:				
(1) State General Fund- Transfer	12,474,757			
(2) Federal and Local Funds ...		4,783,981		
(3) Forestry Commission Fund		7,797,897		
Total Alabama Forestry Commission	12,474,757	12,581,878		25,056,635
Of the above appropriation to the Alabama Forestry Com- mission, \$2,365,902 shall be used for rural and community fire protection, and \$412,348 shall be used for forestry re- search, marketing, manage-				

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**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
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ment and environmental improvement grants and \$25,000 shall be expended for the Pine Beetle Project at the University of North Alabama.

63. FOREVER WILD LAND TRUST, BOARD OF:

(a) Capital Outlay Program			2,077,655
(b) Administration Program			577,130

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account and \$100,000 may be expended for the Heritage Program within the Department of Conservation and Natural Resources.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund			2,654,795
In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219.			

Total Board of Forever Wild Land Trust		2,654,795	2,654,795
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64. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			156,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund			156,000
As provided in Section 34-13-23, Code of Alabama 1975.			

Total Alabama Board of Funeral Service		156,000	156,000
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
65. GEOLOGICAL SURVEY:				
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program				3,186,173
SOURCE OF FUNDS:				
(1) State General Fund	2,113,066			
(2) Federal and Local Funds .			1,073,107	
Total Geological Survey	2,113,066	1,073,107		3,186,173
66. GORGAS MEMORIAL BOARD:				
(a) Historical Resources Manage- ment Program				4,124
SOURCE OF FUNDS:				
(1) State General Fund	4,124			
As provided in Section 41- 9-220, Code of Alabama 1975, and an additional amount.				
Total Gorgas Memorial Board .	4,124			4,124
67. GOVERNOR'S CONTIN- GENCY FUND:				
(a) Executive Direction Program				750,000
SOURCE OF FUNDS:				
(1) State General Fund	750,000			
Total Governor's Contin- gency Fund	750,000			750,000
68. GOVERNOR'S MANSION:				
(a) Executive Direction Program				430,659
(b) Capital Outlay Program				60,000
SOURCE OF FUNDS:				
(1) State General Fund	490,659			
Total Governor's Mansion	490,659			490,659
69. GOVERNOR'S MANSION AD- VISORY BOARD:				
(a) Historical Resources Manage- ment Program				7,189

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	7,189		
Total Governor's Mansion Advisory Board	7,189		7,189

70. GOVERNOR'S OFFICE:

(a) Executive Direction Program		3,218,375
SOURCE OF FUNDS:		
(1) State General Fund	3,218,375	
Total Governor's Office	3,218,375	3,218,375

71. GOVERNOR'S OFFICE ON
VOLUNTEERISM:

(a) Executive Direction Program		77,954
SOURCE OF FUNDS:		
(1) State General Fund	77,954	
Total Governor's Office on Volunteerism	77,954	77,954

72. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Services Pro- gram		123,404,435
(b) Health Support Services Pro- gram		171,107,951
Of the amount appropriated to support local health depart- ment services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the coun- ties on the basis of need and a match formula to be deter- mined by the Department.		
(c) Administrative Services Pro- gram		15,372,227
SOURCE OF FUNDS:		
(1) State General Fund	27,990,342	
(2) Cigarette Tax-\$0.01 and \$0.02		1,600,000
As provided in Section 40- 25-2 and Section 40-25-23,		

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	Fund Sources Included		
	<u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Code of Alabama 1975.			
(3) Vital Statistics Fund		3,775,785	
(4) Hospital Licensing Fund .		425,000	
(5) Emergency Medical Ser- vices Fund		56,000	
As provided in Section 22- 18-4, Code of Alabama 1975.			
(6) Local Health Departments		110,840,400	
(7) Milk Permit Fee		50,000	
In accordance with Sec- tions 20-1-140 through 20- 1-146, Code of Alabama 1975.			
(8) Radiation Safety Fund		1,745,976	
(9) Miscellaneous Funds		15,485,772	
(10) Federal Funds		35,738,665	
(11) WIC Funds		86,192,570	
(12) The Alabama Legacy for Environmental Research Trust Fund		500,000	
As provided in Section 22- 30B-19, Code of Alabama 1975.			
(13) Health-Medicaid Fund		25,484,103	
Total Department of Public Health	27,990,342	281,894,271	309,884,613

Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

**73. HEALTH PLANNING AGENCY,
STATE:**

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<u>Fund Sources Included In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
(a) Health Planning Development and Regulation Program			902,199
SOURCE OF FUNDS:			
(1) State General Fund	292,199		
(2) Certificate of Need Fees ..		500,000	
(3) Departmental Receipts		50,000	
(4) Federal Funds		60,000	
Total State Health Planning Agency	292,199	610,000	902,199

**74. HEARING INSTRUMENT
DEALERS, ALABAMA BOARD
OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			54,000
SOURCE OF FUNDS:			
(1) Board of Hearing Instru- ment Dealers Fund		54,000	
As provided in Section 34- 14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Instrument Dealers ..		54,000	54,000

**75. HEATING AND AIR CONDI-
TIONING CONTRACTORS,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram			339,717
SOURCE OF FUNDS:			
(1) Heating and Air Condi- tioning Contractors Fund .		339,717	
As provided in Sections 34- 31-18 through 34-31-34, Code of Alabama 1975.			
Total Board of Heating and Air Conditioning Contractors ..		339,717	339,717

**76. HERITAGE TRUST FUND,
ALABAMA:**

(a) Fiscal Management Program .	20,000
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) Heritage Trust Income			20,000	
Total Alabama Heritage Trust Fund			20,000	20,000
77. HISTORIC BLAKELEY AU- THORITY:				
(a) Historical Resources Manage- ment Program				350,000
SOURCE OF FUNDS:				
(1) State General Fund	350,000			
Total Historic Blakeley Au- thority	350,000			350,000
78. HISTORIC CHATTAHOOCHEE COMMISSION:				
(a) Historical Resources Manage- ment Program				139,035
SOURCE OF FUNDS:				
(1) State General Fund	139,035			
Total Historic Chattahoochee Commission	139,035			139,035
The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama. In addition to the above appropriation to the Historic Chattahoochee Commission there is also hereby appropriated \$50,000 to be conditioned upon the availability of funds in the State General Fund, the rec- ommendation of the Director of Finance and the approval of the Governor.				
79. HISTORICAL COMMISSION, ALABAMA:				
(a) Historical Resources Manage- ment Program				4,416,371
(b) Capital Outlay Program				41,989

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Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund-			
Transfer	2,419,312		
The above appropriation shall be distributed as follows:			
Historical Commission, Alabama		748,492	
The above appropriation to the Historical Commission shall not be released until such time that all funds available to the Historical Commission from the Transco settlement have been expended.			
Historical Commission, Alabama-La Grange		6,529	
Historical Commission, Alabama-Magnolia Grove.		31,911	
Historical Commission, Alabama-Fort Morgan ...		151,998	
Historical Commission, Alabama-Fort Morgan-Capital Outlay		41,989	
Historical Commission, Alabama-Joe Wheeler House-Capital Outlay		35,000	
Historical Commission, Alabama-Fort Toulouse .		150,000	
Historical Commission, Alabama-John T. Morgan House, Selma		9,623	
Historical Commission, Alabama-Cahaba		125,966	
The administrative fee charged by the Alabama Historical Commission to the Cahaba Account shall not exceed 3% of the above amount.			
Historical Commission, Alabama-Gaineswood		62,350	
Historical Commission, Alabama-State Capitol ..		905,454	
Ft. Payne, Bridgeport and Stevenson Historical Depots/ Museums		50,000	
Mainstreet Program		100,000	
(2) Soldiers Fund			181,413

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	<u>Fund Sources Included</u> <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
As provided in Section 40-8-3, Code of Alabama 1975.			
(3) Alabama State Historical Preservation Fund-Departmental Receipts		1,257,635	
(4) Federal and Local Funds .		600,000	
Total Alabama Historical Commission	2,419,312	2,039,048	4,458,360

80. HOME BUILDERS LICENSURE BOARD:

(a) Professional and Occupational Licensing and Regulation Program		661,820
SOURCE OF FUNDS:		
(1) Home Builders Licensure Board Fund	661,820	
In accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.		
Total Home Builders Licensure Board	661,820	661,820

81. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program	455,479,965
It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county	

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
populations less than 50,000, \$2,000.			
SOURCE OF FUNDS:			
(1) State General Fund-			
Transfer	38,121,354		
(2) Federal and Local Funds .		307,760,487	
(3) ABC Profits		700,000	
(4) Whiskey Tax		23,558,298	
(5) Beer Tax		9,100,000	
(6) Pension Residue		18,000,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		17,200,000	
(9) Child Support Collections		6,614,676	
(10) Sales Tax for Food Stamps, Estimated		24,334,150	
In accordance with Section 40-23-35, Code of Ala- bama 1975.			
(11) Cigarette Tax		3,900,000	
(12) Contractor's Gross Re- ceipts Tax		3,000,000	
(13) Foster Care Trust Fund		400,000	
(14) Child Support Interest and Fees		356,000	
(15) Miscellaneous Receipts ...		1,113,000	
Total Department of Human Resources	38,121,354	417,358,611	455,479,965

In addition to the above appropriation to the Department of Human Resources, there is also hereby appropriated an amount up to \$7,312,000 to be utilized in increasing the total AFDC benefit payments by up to 16%, as a first priority conditional, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. This shall be the first conditional appropriation to be released from the State General Fund and shall be released in full before any other conditional appropriation can be released. In addition to the above appropriation

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
to the Department of Human Resources, there is hereby appropriated the sum of \$1,399,349 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

82. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program			200,000
The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total Alabama Indian Affairs Commission	200,000		200,000

83. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program			300,000
SOURCE OF FUNDS:			
(1) SIDA Application Fees Fund		300,000	
Total State Industrial Development Authority		300,000	300,000

84. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program			47,270,051
(b) Industrial Safety and Accident Prevention Program			5,197,973
Of the above appropriation, at least \$117,505 shall be expended for the enforcement of child labor laws.			
(c) Administrative Services Program			12,247,154

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<u>Fund Sources Included In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
(d) Workers' Compensation Program			4,051,958
(e) Capital Outlay Program			590,000
SOURCE OF FUNDS:			
(1) State General Fund	809,804		
(2) Federal and Local Funds .		68,547,332	
Total Department of Industrial Relations	809,804	68,547,332	69,357,136

85. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program			3,944,680
SOURCE OF FUNDS:			
(1) State General Fund	1,994,786		
(2) Fire Marshal's Fund		324,890	
As provided in Sections 34-33-11 and 8-17-211, Code of Alabama 1975.			
(3) Examination Revolving Fund		1,625,004	
Total Department of Insurance	1,994,786	1,949,894	3,944,680

86. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program			1,019,208
SOURCE OF FUNDS:			
(1) State Employees' Insurance Board Expense Fund		1,019,208	
Total State Employees' Insurance Board		1,019,208	1,019,208

87. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program			14,900
SOURCE OF FUNDS:			
(1) Interior Designer Fund		14,900	
As provided in Section 34-15A-7, Code of Alabama 1975.			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Total Alabama State Board of Registration for Interior De- signers		14,900	14,900
88. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program			391,867
SOURCE OF FUNDS:			
(1) State General Fund	292,763		
(2) Federal and Local Funds .		99,104	
Total Department of Labor	292,763	99,104	391,867
89. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			39,048
SOURCE OF FUNDS:			
(1) Landscape Architect's Fund		39,048	
As provided in Section 34- 17-6, Code of Alabama 1975.			
Total Board of Examiners of Landscape Architects		39,048	39,048
90. LIEUTENANT GOVERNOR, OFFICE OF THE:			
(a) Legislative Operations and Support Program			400,229
SOURCE OF FUNDS:			
(1) State General Fund	400,229		
Total Office of the Lieutenant Governor	400,229		400,229
91. LIQUEFIED PETROLEUM GAS BOARD:			
(a) Regulatory Services Program			544,000
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		469,000	
(2) Liquefied Petroleum Gas Re- search and Education Fund		75,000	

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
Total Liquefied Petroleum Gas Board		544,000	544,000
92. LIVESTOCK MARKET BOARD, ALABAMA PUBLIC:			
(a) Agricultural Development Service Program			6,000
SOURCE OF FUNDS:			
(1) Alabama Public Livestock Market Fund		6,000	
In accordance with Sec- tions 2-15-115 through 2- 15-127, Code of Alabama 1975.			
Total Alabama Public Live- stock Market Board		6,000	6,000
93. MANUFACTURED HOUSING COMMISSION, ALABAMA:			
(a) Regulatory Services Program			1,346,086
SOURCE OF FUNDS:			
(1) Alabama Manufactured Housing Commission Fund		1,306,086	
As provided in Section 24- 6-4, Code of Alabama 1975.			
(2) Transfer from Manufac- tured Homes Title Fee Re- ceipts Levied in Section 32-8-6, Code of Alabama 1975.		40,000	
Total Alabama Manufactured Housing Commission		1,346,086	1,346,086
94. MEDICAID AGENCY, ALA- BAMA:			
(a) Medical Assistance Through Medicaid Program			1,873,246,982
The Medicaid Agency will re- imburse the Department of Public Health for actual costs (in compliance with OMB Cir- cular A87 and Health Care Fi-			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
<p>nancing Administration guide- lines) for services provided. The above appropriation shall include a reimbursement of the maximum amount available for rural hospitals that own and op- erate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall re- imburse 20% of said funds to any qualifying Hill-Burton hos- pital in the same county that provides support for the schools of nursing in the rural hospital.</p> <p>SOURCE OF FUNDS:</p>			
(1) State General Fund	138,934,767		
(2) Transfer from Department of Human Resources		16,951,452	
(3) Transfer from Mental Health		50,828,288	
(4) Transfer from Commission on Aging		4,400,857	
(5) Transfer from Department of Public Health		7,839,272	
(6) Transfer from Department of Youth Services		189,897	
(7) Transfer from Department of Education		3,114,275	
(8) Transfer from Children's Rehabilitation Services ...		1,811,168	
(9) Public Hospitals Transfer		238,700,000	
(10) Departmental Receipts		6,500,000	
(11) Federal and Local Funds .		1,348,507,096	
(12) Alabama Health Care Trust Fund		55,000,000	
(13) Unencumbered Balance Brought Forward		95,820	
(14) Transfer from University of Alabama in Birming- ham		374,090	
Total Alabama Medicaid Agency	138,934,767	1,734,312,215	1,873,246,982
In addition to the above appro-			

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
priation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation to the Alabama Medicaid Agency, there is hereby conditionally appropriated \$7,790,667 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

95. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			4,124
SOURCE OF FUNDS:			
(1) State General Fund	4,124		
Total Alabama Men's Hall of Fame	4,124		4,124

96. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program		114,819,694
(b) Institutional Treatment and Care-Mental Retardation Program		74,621,932
(c) Administrative Services Program		13,793,985
(d) Community Services Program .		135,390,137
(1) Mental Illness Services	64,987,266	
(2) Substance Abuse Services	21,662,422	

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
Of the above appropriations for Mental Illness Services and Substance Abuse Services, \$51,259,161 and \$18,035,244 respectively shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.			
(3) Mental Retardation Services	48,740,449		
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	62,921,420		
(2) Special Mental Health Trust Fund		112,171,972	
For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental			

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
patients not hospitalized at time of receiving drugs at the Alabama state hospi- tals.			
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax		3,017,140	
(5) Departmental Receipts		2,036,995	
(6) Indigent Offender Alcohol/ Drug Treatment Fund		190,000	
(7) Federal and Local Funds .		157,288,221	
Total Department of Mental Health and Mental Retardation	62,921,420	275,704,328	338,625,748

In addition to the above appro-
priation to the Department of
Mental Health and Mental Re-
tardation, there is hereby con-
ditionally appropriated an
amount not to exceed
\$1,093,203 for capital outlay
from the Special Mental
Health Trust Fund to be con-
ditioned upon the availability
of funds in the Special Mental
Health Trust Fund, the recom-
mendation of the Director of
Finance and the approval of
the Governor.

97. MILITARY DEPARTMENT:

(a) Military Operations Program		5,453,482
(b) State Defense Force		10,000
SOURCE OF FUNDS:		
(1) State General Fund-Op- erations	1,632,482	
(2) State General Fund- Quarterly Allowances Headquarters	1,500,000	
(3) State General Fund-Active Military Service	15,000	
(4) State General Fund- Transfer to Armory Com- mission	2,300,000	
(5) State General Fund-Drop- ping Allowance	3,000	
(6) State General Fund-State Defense Force	13,000	

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Total Military Department	5,463,482		5,463,482

In addition to the above appropriation to the Military Department for the Armory Commission there is hereby appropriated \$800,000 for an armory in Northport and \$300,000 for an armory in Union Springs to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**98. MILITARY DEPARTMENT -
 ARMORY COMMISSION OF
 ALABAMA:**

(a) Military Operations Program	7,787,613
(b) Capital Outlay Program	57,000

SOURCE OF FUNDS:

(1) Transfer from Military Department	2,300,000
(2) Federal and Local Funds .	5,398,573
(3) Military Department Bil- leting Revolving Fund, Estimated	69,040
(4) Departmental Receipts	77,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund and any unobligated balance remaining in the Armory Commission Fund at the

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.				
Total Armory Commission of Alabama			7,844,613	7,844,613
99. MOTOR SPORTS HALL OF FAME:				
(a) Historical Resources Management Program				154,732
SOURCE OF FUNDS:				
(1) State General Fund		154,732		
Total Motor Sports Hall of Fame		154,732		154,732
100. MUSIC HALL OF FAME, ALABAMA:				
(a) Fine Arts Program				220,559
SOURCE OF FUNDS:				
(1) State General Fund		220,559		
Total Alabama Music Hall of Fame		220,559		220,559
101. NURSING, ALABAMA BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Program				2,173,510
SOURCE OF FUNDS:				
(1) Alabama Board of Nursing Trust Fund			2,173,510	
As provided in Sections 34-21-1 through 34-21-43, Code of Alabama 1975.				
Total Alabama Board of Nursing			2,173,510	2,173,510
102. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:				
(a) Professional and Occupational				

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Licensing and Regulation Program			84,000
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Adminis- trators Fund		84,000	
As provided in Section 34- 20-7, Code of Alabama 1975.			
Total Board of Examiners of Nursing Home Administrators		84,000	84,000
103. OCCUPATIONAL THERAPY, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			45,000
SOURCE OF FUNDS:			
(1) Board of Occupational Therapy Fund		45,000	
As provided in Section 34- 39-6, Code of Alabama 1975.			
Total Alabama State Board of Occupational Therapy		45,000	45,000
104. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,257,452
SOURCE OF FUNDS:			
(1) State General Fund	2,087,452		
(2) Oil and Gas Board Special Fund		150,000	
(3) Surety Bond Deposits, Estimated		20,000	
In accordance with Section 9-17-6, Code of Alabama 1975.			
Total Oil and Gas Board	2,087,452	170,000	2,257,452
105. OLYMPIC COORDINATION BOARD:			

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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
(a) Tourism and Travel Promo- tion Program			1,250,000
SOURCE OF FUNDS:			
(1) State General Fund	1,250,000		
Total Olympic Coordination Board	1,250,000		1,250,000
106. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			15,144,713
SOURCE OF FUNDS:			
(1) State General Fund	11,522,117		
(2) Probationers Upkeep Fund		3,495,796	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Local Funds		126,800	
Total Board of Pardons and Paroles	11,522,117	3,622,596	15,144,713
107. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALA- BAMA:			
(a) Retirement Systems Program			418,157
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund		418,157	
As provided in Section 36- 21-66, Code of Alabama 1975.			
Total Alabama Peace Officers' Annuity and Benefit Fund		418,157	418,157
108. PERSONNEL DEPARTMENT, STATE:			
(a) Administrative Support Ser- vices Program			3,891,577
SOURCE OF FUNDS:			
Transfers to the State Person- nel Department shall be as follows:			
(1) Board of Public Accoun-			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
tancy		369	
(2) Department of Aero- nautics		527	
(3) Commission on Aging		2,054	
(4) Department of Agriculture and Industries		38,553	
(5) Agricultural and Conser- vation Development Com- mission		53	
(6) Agricultural Center Board		1,659	
(7) Alcoholic Beverage Con- trol Board		88,587	
(8) Board of Registration for Architects		158	
(9) Archives and History		5,635	
(10) State Council on the Arts		1,843	
(11) Attorney General's Office		15,695	
(12) Board of Auctioneers		53	
(13) State Auditor		1,633	
(14) State Banking Department		4,793	
(15) Building Commission		2,054	
(16) Alabama Building Reno- vation Finance Authority .		12,746	
(17) Child Abuse and Neglect Prevention Board		421	
(18) Chiropractic Examiners ...		105	
(19) Choctawhatchee-Pea Rivers Watershed		53	
(20) Department of Conserva- tion and Natural Re- sources		171,643	
(21) State Licensing Board for General Contractors		685	
(22) Department of Corrections		354,242	
(23) Board of Cosmetology		1,317	
(24) Credit Union Administra- tion		790	
(25) Alabama Crime Victims Compensation Commis- sion		1,422	
(26) Criminal Justice Informa- tion Center		5,951	
(27) Alabama Development Office		4,951	
(28) Board of Dietetics and Nutrition		53	

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(29) State Docks		35,919	
(30) Department of Economic and Community Affairs ...		33,602	
(31) Department of Education		155,738	
(32) Electrical Contractors Board		53	
(33) Emergency Management Agency		5,530	
(34) Employees' Insurance Board		1,475	
(35) Board of Registration for Professional Engineers and Land Surveyors		632	
(36) Department of Environ- mental Management		46,821	
(37) Ethics Commission		843	
(38) Examiners of Public Ac- counts		24,016	
(39) Farmers' Market Author- ity		211	
(40) Finance Department		55,512	
(41) Foreign Trade Relations Commission		105	
(42) Department of Forensic Sciences		13,746	
(43) Forestry Commission		54,564	
(44) Funeral Services Board ...		158	
(45) Governor's Office		3,739	
(46) Department of Public Health		507,504	
(47) State Health Planning Agency		1,738	
(48) Board of Heating and Air Conditioning Contractors		474	
(49) Alabama Historical Com- mission		8,953	
(50) Home Builders Licensure Board		53	
(51) Department of Human Resources		480,117	
(52) Alabama Indian Affairs Commission		158	
(53) Department of Industrial Relations		189,129	
(54) Insurance Department		7,268	
(55) Judicial Inquiry Commis- sion		158	
(56) Department of Labor		737	

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			Fund Sources Included <u>In Appropriation Total</u>		
			General Fund	Earmarked Funds	Appropriation Total
(57)	Legislative Reference Service			211	
(58)	Liquefied Petroleum Gas Board			895	
(59)	Manufactured Housing Commission			1,527	
(60)	Alabama Medicaid Agency			57,513	
(61)	Department of Mental Health and Mental Re- tardation			524,410	
(62)	Military Department			26,544	
(63)	Board of Nursing			2,791	
(64)	Board of Examiners of Nursing Home Admin- istrators			53	
(65)	Board of Occupational Therapy			53	
(66)	Oil and Gas Board			11,745	
(67)	Pardons and Paroles			39,290	
(68)	Peace Officers' Annuity and Benefit Fund			369	
(69)	Peace Officers' Standards and Training Commission			421	
(70)	Physical Fitness Commis- sion			527	
(71)	Board of Physical Ther- apy			158	
(72)	Plumbers and Gas Fitters Examiners Board			1,527	
(73)	Public Library Service			5,530	
(74)	Department of Public Safety			129,35	
(75)	Public Service Commis- sion			14,800	
(76)	Alabama Educational Television Commission ...			8,111	
(77)	Real Estate Appraisers Board			579	
(78)	Real Estate Commission .			2,001	
(79)	Retirement Systems			18,592	
(80)	Department of Revenue ...			142,940	
(81)	Secretary of State			4,055	
(82)	Securities Commission			1,949	
(83)	Board of Social Work Ex- aminers			158	
(84)	Soil and Water Conserva- tion Committee			263	

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(85) Surface Mining Commis- sion		3,634	
(86) Bureau of Tourism and Travel		7,795	
(87) Department of Transpor- tation		477,905	
(88) State Treasurer			4,793
(89) Department of Veterans' Affairs		6,636	
(90) Board of Veterinary Med- ical Examiners		158	
(91) Voter Registration			158
(92) Department of Youth Ser- vices		46,031	
(93) Miscellaneous Receipts ...		1,106	
Total State Personnel Depart- ment		3,891,577	3,891,577

**109. PHYSICAL THERAPY,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram		150,411
SOURCE OF FUNDS:		
(1) Physical Therapist Fund .. As provided in Section 34- 24-195, Code of Alabama 1975.	150,411	
Total Board of Physical Therapy	150,411	150,411

**110. PLUMBERS AND GAS FIT-
TERS EXAMINING BOARD,
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Pro- gram		1,000,000
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners Fund	1,000,000	
As provided in Section 34- 37-5, Code of Alabama 1975.		

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Total Alabama Plumbers and Gas Fitters Examining Board		1,000,000	1,000,000
111. POLYGRAPH EXAMINERS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			15,000
SOURCE OF FUNDS:			
(1) Board of Polygraph Ex- aminers Fund		15,000	
As provided in Section 34- 25-5, Code of Alabama 1975.			
Total Board of Polygraph Examiners		15,000	15,000
112. PROSECUTION SERVICES, OFFICE OF:			
(a) Prosecution, Training, Educa- tion and Management Pro- gram			1,338,728
SOURCE OF FUNDS:			
(1) State General Fund	216,401		
(2) Office of Prosecution Services Fund		1,122,327	
Total Office of Prosecution Services	216,401	1,122,327	1,338,728
113. PSYCHOLOGY, ALA- BAMA BOARD OF EXAMIN- ERS IN:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			114,874
SOURCE OF FUNDS:			
(1) Board of Examiners in Psychology Fund		114,874	
As provided in Section 34- 26-43, Code of Alabama 1975.			
Total Alabama Board of Ex- aminers in Psychology		114,874	114,874

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
114. PUBLIC SAFETY, DEPARTMENT OF:				
(a) Police Services Program				28,824,980
(b) Public Safety Support Services Program				11,457,084
(c) Administrative Services Program				18,641,458
(d) Capital Outlay				150,000
SOURCE OF FUNDS:				
(1) State General Fund	44,315,588			
(2) Transfer from ABC Profits			2,000,000	
(3) Transfer from Public Road and Bridge Fund-Act 91-797			3,500,000	
Notwithstanding the provisions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.				
(4) Federal and Local Funds .			3,588,702	
(5) Automated Fingerprint Identification System Fund			827,232	
In accordance with Sections 12-19-180 and 32-2-61, Code of Alabama 1975.				
(6) Public Safety Law Enforcement Fund			4,000,000	
In accordance with Section 32-6-5, Code of Alabama 1975.				
(7) Public Safety Drug Offenders Reinstatement Fund-Act 93-352			75,000	
(8) Commercial Driver's License Fee			767,000	
In accordance with Section 32-5-313, Code of Alabama 1975.				
Total Department of Public Safety	44,315,588	14,757,934	59,073,522	

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
115. PUBLIC SERVICE COMMISSION:			
(a) Regulatory Services Program ..			5,868,366
(b) Administrative Services Program			5,752,206
The above appropriation includes a transfer to the State General Fund of \$1,500,000 in four equal amounts at the end of each quarter of the fiscal year.			
SOURCE OF FUNDS:			
(1) Public Service Commission Fund		10,888,492	
The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.			
(2) Gas Pipeline Safety Fund		486,080	
(3) Departmental Receipts		6,000	
(4) Federal and Local Funds .		240,000	
Total Public Service Commission		11,620,572	11,620,572

**116. REAL ESTATE APPRAISERS
BOARD, ALABAMA:**

- (a) Professional and Occupational

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Licensing and Regulation Program			437,527
SOURCE OF FUNDS:			
(1) Real Estate Appraisers			
Board Fund		437,527	
In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.			
Total Alabama Real Estate Appraisers Board		437,527	437,527

117. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program			2,653,668
SOURCE OF FUNDS:			
(1) Alabama Real Estate			
Commission Fund		2,653,668	
As provided in Section 34-27-4, Code of Alabama 1975, and the total expenditures shall in no manner exceed the amounts hereby appropriated.			
Total Alabama Real Estate Commission		2,653,668	2,653,668

118. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program			76,442,596
The above appropriation shall include a transfer to the Examiners of Public Accounts of \$200,000 and \$2,000,000 to the State General Fund.			
SOURCE OF FUNDS:			
(1) State General Fund-			
Transfer	225,060		
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization			

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
of ad valorem tax assessments.			
(2) State General Fund-Board of Equalization	90,049		
(3) Transfer from the gross proceeds of Cigarette Tax Collections		1,445,769	
As provided in Section 40-25-27, Code of Alabama 1975.			
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		374,726	
(5) Transfer from the proceeds of the Forest Severance Tax Collections		137,959	
(6) Transfer from the gross proceeds of Gasoline Tax Collections		6,560,416	
(7) Transfer from the Income Tax Collections		22,464,883	
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections		1,367,341	
(9) Transfer from the gross proceeds of Motor Vehicle License Collections		2,964,681	
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		907,194	
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax ...		2,234,943	
(12) Transfer from the gross proceeds of Sales Tax Collections		19,641,882	
(13) Transfer from the gross proceeds of the Tobacco Tax Collections		59,150	
(14) Transfer from the gross proceeds of Use Tax Collections		2,149,523	
(15) Transfer from the gross proceeds of the Utility Tax Collections		4,772,518	

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<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>
		<u>Appropriation Total</u>
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,365,083
(17) Inspection fees for re- stored vehicles As provided in Section 32- 8-87, Code of Alabama 1975.		1,250,000
(18) Transfer from Abandoned Property Trust Fund As provided in Section 35- 12-39, Code of Alabama 1975.		100,000
(19) Transfer from the gross proceeds of the Pharma- ceutical Services Privilege Tax Collections		35,324
(20) Transfer from the gross proceeds of Nursing Fa- cility Privilege Tax Col- lections		246,095
(21) Transfer from Under- ground/Aboveground Storage Tank Fees In accordance with Sec- tions 22-35-1 through 22- 35-13, Code of Alabama 1975.		150,000
(22) Local Funds The amounts hereinabove appropriated for the cost of maintenance and opera- tions of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Depart- ment or collections of the taxes as authorized by law. Provided, however, in ad- dition to the amount here- inabove appropriated, there is hereby appropri- ated to the Department of Revenue all sums allowed the Department of Rev-		6,900,000

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
enue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Department of Revenue	315,109	76,127,487	76,442,596
Of the above appropriation to the Department of Revenue, \$200,000 (or the amount re- quired) shall be expended to update the micro-simulated tax model developed by Peat Marwick Policy Economics Group.			

119. SECRETARY OF STATE:

(a) Administrative Support Services Program			1,226,466
SOURCE OF FUNDS:			
(1) State General Fund	784,882		
(2) UCC and Farm Indexing Fund		146,584	
(3) Corporations Fund		295,000	
Total Secretary of State	784,882	441,584	1,226,466

120. SECURITIES COMMISSION:

(a) Regulatory Services Program			3,654,309
The above appropriation in- cludes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quar- ter of the fiscal year.			
SOURCE OF FUNDS:			
(1) Sale of Checks License Fund		17,000	
(2) Securities Commission Fund		2,063,309	
(3) Securities Commission Fund-Transfer to State General Fund		1,500,000	
(4) Industrial Revenue Bond Notification Fund		74,000	
Total Securities Commission		3,654,309	3,654,309

121. SENIOR CITIZENS HALL OF

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
FAME, ALABAMA:			
(a) Historical Resources Management Program			18,705
To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund	18,705		
Total Alabama Senior Citizens Hall of Fame	18,705		18,705

122. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			110,831
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund		110,831	
As provided in Section 34-30-6, Code of Alabama 1975.			
Total Alabama State Board of Social Work Examiners		110,831	110,831

123. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program			1,430,805
Of the above appropriation to the Water Resource Development Program, \$46,500 shall be expended for watershed management and \$46,500 shall be allocated to the Sand Mountain-Lake Guntersville Watershed Conservancy District.			
(b) Professional and Occupational Licensing and Regulation Program			5,000

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	1,265,805		
(2) Soil Classifiers Fund		5,000	
As provided in Section 34-32-19, Code of Alabama 1975.			
(3) Departmental Receipts		165,000	
Total State Soil and Water Conservation Committee	1,265,805	170,000	1,435,805
124. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			23,869
SOURCE OF FUNDS:			
(1) State General Fund	23,869		
Total Southern Growth Policies Board	23,869		23,869
125. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			78,490
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund		78,490	
As provided in Section 34-28A-44, Code of Alabama 1975.			
Total Alabama Board of Examiners for Speech Pathology and Audiology		78,490	78,490
126. SPORTS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			164,594
SOURCE OF FUNDS:			
(1) State General Fund	164,594		

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Alabama Sports Hall of Fame		164,594		164,594
127. SURFACE MINING COMMISSION, ALABAMA:				
(a) Industrial Safety and Accident Prevention Program				5,113,536
SOURCE OF FUNDS:				
(1) State General Fund-Transfer		309,261		
(2) Surface Mining Commission-Fees			914,638	
(3) Federal and Local Funds .			1,289,637	
(4) Bond Forfeiture/Reclamation Projects, Estimated. As provided in Section 9-16-103, Code of Alabama 1975.			2,600,000	
Total Alabama Surface Mining Commission		309,261	4,804,275	5,113,536
128. TANNEHILL FURNACE AND FOUNDRY COMMISSION:				
(a) Historical Resources Management Program				454,185
SOURCE OF FUNDS:				
(1) State General Fund		454,185		
Total Tannehill Furnace and Foundry Commission		454,185		454,185
In addition to the above appropriation for the Tannehill Furnace and Foundry Commission, there is hereby appropriated \$200,000 for museum expansion at Tannehill Historical State Park from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.				
129. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:				

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a) Water Resource Development Program				83,294
SOURCE OF FUNDS:				
(1) State General Fund		83,294		
Total Tennessee-Tombigbee Waterway Development Authority		83,294		83,294
130. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:				
(a) Promotional Development Program				185,807
To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.				
SOURCE OF FUNDS:				
(1) State General Fund		135,269		
(2) Admissions and Concessions			50,538	
Total Tennessee Valley Exhibit Commission of Alabama		135,269	50,538	185,807
131. TOURISM AND TRAVEL, BUREAU OF:				
(a) Tourism and Travel Promotion Program				6,179,817
Of the above appropriation, \$25,000 shall be transferred to the Emerald Triangle Commission; \$50,000 shall be transferred to the Cahaba Trace Commission; \$24,200 shall be transferred to the Tallapoosa Highland Lakes Association; \$24,200 shall be transferred to the Mountain Lakes Tourist Association; \$24,200 shall be transferred to the Childersburg Heritage Foundation; \$10,000 shall be transferred to the City of Greenville; and \$5,000 shall be transferred to the MLK				

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<u>Fund Sources Included In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
Business and Civic Organization.			
SOURCE OF FUNDS:			
(1) State General Fund	1,204,086		
(2) Lodgings Tax (\$0.01)		4,975,731	
Receipts collected under the provisions of Sections 40-26-1, et seq., Code of Alabama 1975.			
Total Bureau of Tourism and Travel	1,204,086	4,975,731	6,179,817

In addition to the above appropriation, there is also hereby appropriated \$1,000,000 to the Bureau of Tourism and Travel for the Alabama National Guard Historical Society; \$50,000 to the Jesse Owens Memorial Park and Museum; and \$200,000 to the Museum of Civil Rights March all of which are to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

132. TRANSPORTATION, DEPARTMENT OF:

(a) Central Administration Program	22,099,583
(b) Division and District Supervision Program	29,257,953
(c) Operations and Support Services Program	11,491,521
(d) Maintenance Program	184,787,515
(e) Non-Programmatic Programs	22,910,665
Proposed spending plan for the above (e) includes the following:	
Debt Service	18,811,245
Equipment-Other than Automotive	4,099,420
(f) Construction-Federal Aid Program	449,643,129
Proposed spending plan for the	

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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
above (f) includes the following:			
Federal Aid			
Matching	90,570,913		
Non-Participating Work on Federal Projects	1,000,000		
Federal Aid	358,072,216		
(g) Construction-State Program ..			25,246,000
(h) Operations-Land and Buildings Program			3,083,767
(i) Captive County Health In- surance Program			168,480
(j) Transfer to Department of Public Safety, in accordance with Act 91-797			3,500,000
(k) Transfer to Amtrak			1,300,000
(l) Transfer to Capital Outlay			37,902
(m) Highway Safety Education Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	170,000		
(2) State General Fund- Amtrak	1,300,000		
(3) State General Fund-Capital Outlay	37,902		
(4) State General Fund-High- way Safety Education Pro- gram	100,000		
(5) Public Road and Bridge Fund		390,446,397	
(6) Public Road and Bridge Fund-Transfer to Depart- ment of Public Safety		3,500,000	
(7) Federal Aid		358,072,216	
There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge			

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
<p>Corporation, a total of \$18,811,245 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:</p> <p>(1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated</p>		

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Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.			

Total Department of Transportation	1,607,902	752,018,613	753,626,515
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The General Fund Capital Outlay amount of \$37,902 shall be used to match federal funds to renovate the Little White House of the Confederacy.

133. TREASURER, STATE:

(a) Fiscal Management Program.			4,742,309
SOURCE OF FUNDS:			
(1) State General Fund	1,640,733		
(2) Prepaid Affordable College Tuition Fund		3,101,576	
Total State Treasurer	1,640,733	3,101,576	4,742,309

**134. UNIFORM STATE LAWS,
ALABAMA COMMISSION
ON:**

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
<hr/>			
(a) Special Services Program, Estimated			30,000
SOURCE OF FUNDS:			
(1) State General Fund	30,000		
As provided in Section 41-9-374, Code of Alabama 1975.			
<hr/>			
Total Alabama Commission on Uniform State Laws	30,000		30,000
<hr/>			
135. VETERANS' AFFAIRS, DE- PARTMENT OF:			
<hr/>			
(a) Administration of Veterans' Affairs Program			8,297,394
(b) Capital Outlay Program			3,375,210
SOURCE OF FUNDS:			
(1) State General Fund	3,079,238		
(2) Veterans Home Trust Fund-Transfer		8,593,366	
<hr/>			
Total Department of Veterans' Affairs	3,079,238	8,593,366	11,672,604
<hr/>			
136. VETERINARY MEDICAL EX- AMINERS, ALABAMA STATE BOARD OF:			
<hr/>			
(a) Professional and Occupational Licensing and Regulation Pro- gram			180,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund As provided in Section 34-29-70, Code of Alabama 1975.		180,000	
<hr/>			
Total Alabama State Board of Veterinary Medical Ex- aminers		180,000	180,000
<hr/>			
137. VOTER REGISTRATION IDENTIFICATION PRO- GRAM:			
<hr/>			
(a) Special Services Program			353,441
SOURCE OF FUNDS:			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund		353,441		
Total Voter Registration Identification Program		353,441		353,441
138. WOMEN'S COMMISSION, ALABAMA:				
(a) Employment and Social Op- portunities Program				12,000
SOURCE OF FUNDS:				
(1) State General Fund		12,000		
Total Alabama Women's Commission		12,000		12,000
139. WOMEN'S HALL OF FAME, ALABAMA:				
(a) Historical Resources Man- agement Program				6,000
SOURCE OF FUNDS:				
(1) State General Fund		6,000		
Total Alabama Women's Hall of Fame		6,000		6,000
140. YOUTH SERVICES, DEPART- MENT OF:				
(a) Youth Services Program				6,282,882
The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.				
SOURCE OF FUNDS:				
(1) State General Fund-Com- munity Subsidy		3,229,108		
(2) State General Fund-Ju- venile Probation Officers Subsidy		3,053,774		
Total Department of Youth Services		6,282,882		6,282,882
The above appropriation for Community Subsidy shall in- clude at least \$103,425 for those nonsecure programs funded in fiscal year 1993-94.				

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:				
1. ARREST OF ABSCONDING FELONS:				
(a) Criminal Investigation Program, Estimated				60,450
SOURCE OF FUNDS:				
(1) State General Fund		60,450		
As provided in Section 15-9-1 and 15-9-3, Code of Alabama 1975.				
Total Arrest of Absconding Felons		60,450		60,450
2. AUTOMATIC APPEAL EXPENSE:				
(a) Legal Advice and Legal Services Program, Estimated				82
SOURCE OF FUNDS:				
(1) State General Fund		82		
As provided in Section 12-22-150 and 12-22-241, Code of Alabama 1975.				
Total Automatic Appeal Expense		82		82
3. BUSKEY PENNY TRUST FUND:				
(a) Special Services Program, Estimated				30,000
SOURCE OF FUNDS:				
(1) State General Fund-Transfer		30,000		
In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975.				
Total Buskey Penny Trust Fund		30,000		30,000
4. CONSUMER UTILITY RATE HEARING:				

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(a) Executive Direction Pro- gram			186,000
SOURCE OF FUNDS:			
(1) State General Fund	186,000		
As provided in Section 37- 1-18, Code of Alabama 1975.			
Total Consumer Utility Rate Hearing	186,000		186,000

**5. COURT ASSESSED COSTS
NOT PROVIDED FOR:**

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <p>(a) Special Services Program,
Estimated</p> <p>As provided in Sections 22-52-
14, 30-4-96, 26-17-17, 22-
11A-1 through 22-11A-41, 12-
15-71 and 12-21-131, Code of
Alabama 1975.</p> | 1,800,000 |
| <p>(b) Legal Advice and Legal Ser-
vices Program</p> <p>It is the intent of the Legisla-
ture that the appropriation in
this subsection be expended
for Court Costs to include
costs of depositions, witness
fees and expenses, filing and
docket fees, court reporters,
court judgments, attorneys
fees, out-of-court settlements
and other expenses ordered by
the court or normally identi-
fied as costs of court, when any
of the above is approved by the
Attorney General.</p> | 300,000 |
| <p>(c) Automatic Appeal Cases Ex-
pense Program</p> <p>The above appropriation shall
be used to reimburse reason-
able expenses incurred by at-
torneys representing defen-
dants under sentence of death
in state collateral proceed-
ings, such as those under Rule
32 of the Rules of Criminal
Procedure. Provided, in no</p> | 40,307 |

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.			
SOURCE OF FUNDS:			
(1) State General Fund,			
Estimated	1,800,000		
(2) State General Fund	300,000		
(3) State General Fund-Auto- matic Appeal Cases	40,307		
Total Court Assessed Costs			
Not Provided For	2,140,307		2,140,307

**6. COURT COSTS-ACT NO. 558,
1957:**

(a) Court Operations Program,		
Estimated		372
SOURCE OF FUNDS:		
(1) State General Fund	372	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957	372	372

**7. DISTRIBUTION OF PUBLIC
DOCUMENTS:**

(a) Administrative Support Ser- vices Program, Estimated		65,976
SOURCE OF FUNDS:		
(1) State General Fund	65,976	
As provided in Sections 36-14-1, 36-14-11, 17- 22A-11 and 41-21-8, Code of Alabama 1975.		
Total Distribution of Public		

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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
Documents	65,976		65,976
8. STATE DOCKS TRANSFER: ...			3,500,000
SOURCE OF FUNDS:			
(1) State General Fund	3,500,000		
The above appropriation to the State Docks shall be conditioned upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.			
Total State Docks Transfer	3,500,000		3,500,000
9. ELECTION EXPENSES:			
(a) Special Services Program, Estimated			2,505,472
(b) Training of Election Officials For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.			72,694
SOURCE OF FUNDS:			
(1) State General Fund	2,505,472		
As provided in Section 17-21-6, Code of Alabama 1975.			
(2) State General Fund	72,694		
Total Election Expenses	2,578,166		2,578,166
10. EMERGENCY FUND, DEPARTMENTAL:			
(a) Special Services Program			3,500,000
SOURCE OF FUNDS:			
(1) State General Fund	3,500,000		
This is the appropriation contemplated in Section			

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**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.			
Total Departmental Emergency Fund	3,500,000		3,500,000

11. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	3,500,000	
Total Fair Trial Tax Transfer ...	3,500,000	3,500,000

12. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated		4,200,000
SOURCE OF FUNDS:		
(1) State General Fund	4,200,000	

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.			
Total Feeding of Prisoners	4,200,000		4,200,000
13. FINANCE-CMIA, DEPARTMENT OF:			
(a) Fiscal Management Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	300,000		
To implement the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and the governing Federal regulations in 31 CFR Part 205. Any payments owed by the Department of Transportation to the federal government shall not be paid from this appropriation.			
Total Department of Finance-CMIA	300,000		300,000
14. FINANCE, DEPARTMENT OF - EMPLOYEES' SUGGESTION AWARDS PROGRAM:			
(a) Fiscal Management Program. SOURCE OF FUNDS:			8,247
(1) State General Fund	8,247		
In accordance with Section 36-1-7, Code of Alabama 1975.			
Total Department of Finance - Employees' Suggestion Awards Program	8,247		8,247
15. FINANCE-FEMA, DEPARTMENT OF:			
(a) Readiness and Recovery			

Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds
		Appropriation Total
Program, Estimated		93,000
Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Man- agement Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	93,000	
Total Department of Finance- FEMA	93,000	93,000
The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the decla- ration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Management Agency of the State of Alabama to pay a state match for FEMA grants.		

**16. FOREST FIRE FUND, EMER-
GENCY:**

(a) Forest Resources Protection and Development Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund- Transfer	180,000	
The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9- 3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recom- mended by the Director of Finance and approved by the Governor.		
Total Emergency Forest Fire Fund	180,000	180,000

**17. GOVERNOR'S CONFERENCE,
NATIONAL:**

		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
(a) Executive Direction Program, Estimated			173,602
SOURCE OF FUNDS:			
(1) State General Fund	173,602		
Total National Governor's Conference	173,602		173,602
18. GOVERNOR'S PROCLAMA- TION EXPENSES:			
(a) Executive Direction Program, Estimated			175,000
SOURCE OF FUNDS:			
(1) State General Fund	175,000		
As provided in Section 17- 14-21, Code of Alabama 1975.			
Total Governor's Proclama- tion Expenses	175,000		175,000
19. LAW ENFORCEMENT FUND:			
(a) Criminal Investigation Pro- gram, Estimated			37,200
SOURCE OF FUNDS:			
(1) State General Fund	37,200		
As provided in Sections 28-4-311 and 28-4-312, Code of Alabama 1975.			
Total Law Enforcement Fund	37,200		37,200
20. LAW ENFORCEMENT LEGAL DEFENSE:			
(a) Legal Advice and Legal Ser- vices Program, Estimated			2,325
SOURCE OF FUNDS:			
(1) State General Fund	2,325		
To carry out provisions of Section 36-21-1, Code of Alabama 1975.			
Total Law Enforcement Legal Defense	2,325		2,325
21. MILITARY - EMERGENCY AC- TIVE DUTY PAY:			

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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
<hr/>			
(a) Military Operations Program, Estimated			175,000
SOURCE OF FUNDS:			
(1) State General Fund	175,000		
As provided in Section 31- 2-133, Code of Alabama 1975.			
<hr/>			
Total Military - Emergency Active Duty Pay	175,000		175,000
<hr/>			
22. PRINTING OF CODE SUPPLE- MENTS - LEGISLATIVE REF- ERENCE SERVICE:			
(a) Legislative Operations and Support Program, Estimated .			364,880
SOURCE OF FUNDS:			
(1) State General Fund	364,880		
As provided in Section 29- 7-6, Code of Alabama 1975.			
<hr/>			
Total Printing of Code Sup- plements - Legislative Ref- erence Service	364,880		364,880
<hr/>			
23. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:			
(a) Administrative Support Ser- vices Program, Estimated			146,317
SOURCE OF FUNDS:			
(1) State General Fund	146,317		
As provided in Sections 41-21-1 through 41-21-8 and 41-4-154, Code of Alabama 1975.			
<hr/>			
Total Printing Codes and Sup- plements - Secretary of State	146,317		146,317
<hr/>			
24. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:			
(a) Administrative Support Ser- vices Program, Estimated			443,385
SOURCE OF FUNDS:			

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund	443,385		
As provided in Sections 41-4-130 through 41-4- 161, Code of Alabama 1975.			
Total Printing of Legislative Acts and Journals	443,385		443,385
25. REGISTRATION OF VOTERS:			
(a) Special Services Program, Estimated			1,793,220
SOURCE OF FUNDS:			
(1) State General Fund	1,793,220		
In accordance with Sec- tions 17-4-126 and 17-4- 153, Code of Alabama 1975.			
Total Registration of Voters ..	1,793,220		1,793,220
26. REMOVAL OF PRISONERS:			
(a) Administrative Services and Logistical Support Program, Estimated			400,000
SOURCE OF FUNDS:			
(1) State General Fund	400,000		
As provided in Sections 15-10-70 through 15-10- 73, 15-9-62, 15-9-65 and 15-9-81, Code of Alabama 1975.			
Total Removal of Prisoners ...	400,000		400,000
27. STATE GENERAL FUND, ESTIMATED:			
			55,000,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer, Estimated All income other than in- come realized on sale of Trust Fund assets and not otherwise appropriated herein.		55,000,000	

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
Total State General Fund, Estimated		55,000,000	55,000,000
2E. DEBT SERVICE FUNDED FROM THE STATE GEN- ERAL FUND:			
1. General Obligation Capital Im- provement Bonds, Series B, Esti- mated			1,442,500
SOURCE OF FUNDS:			
(1) State General Fund, Esti- mated	1,442,500		
Total General Obligation Capital Improvement Bonds, Series B, Estimated	1,442,500		1,442,500
2. General Obligation Waterway Re- funding Bonds, Series 1992, Esti- mated			2,914,477
SOURCE OF FUNDS:			
(1) State General Fund, Esti- mated	2,914,477		
Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated	2,914,477		2,914,477
3. General Obligation Docks Facili- ties Bonds, Series C, Estimated			1,536,750
SOURCE OF FUNDS:			
(1) State General Fund, Esti- mated	1,536,750		
Total General Obligation Docks Facilities Bonds, Series C, Estimated	1,536,750		1,536,750
4. Music Hall of Fame Bonds, Esti- mated			349,245
SOURCE OF FUNDS:			
(1) State General Fund, Esti- mated	349,245		
Pursuant to Constitutional Amendment No. 489 as provided in Act 88-549, 1988 Regular Session.			
Total Music Hall of Fame			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
	Bonds, Estimated	349,245		349,245
5.	Corrections Institutions Bonds, Estimated			1,399,000
	SOURCE OF FUNDS:			
	(1) State General Fund, Esti- mated	1,399,000		
	Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.			
	Total Corrections Institutions Bonds, Estimated	1,399,000		1,399,000
6.	General Obligation Capital Bonds, 1990 Series, Estimated			1,924,605
	SOURCE OF FUNDS:			
	(1) State General Fund, Esti- mated	1,924,605		
	Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.			
	Total General Obligation Capital Bonds, 1990 Series, Estimated	1,924,605		1,924,605
7.	General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993 Estimated			53,562,852
	SOURCE OF FUNDS:			
	(1) State General Fund, Esti- mated	53,562,852		
	Total General Obligation Re- funding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993, Esti- mated	53,562,852		53,562,852

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expendi-

ture provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year

appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 10. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein

made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. This Act shall become effective October 1, 1994.

And said Bill, HB 172, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 172, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Barron, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 172, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 106. To propose an amendment to the Constitution of Ala-

bama of 1901, to provide for the election of the Cullman City Board of Education.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 398. Relating to Talladega College, Concordia College, and Selma University; granting certain persons employed by the colleges certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 403. Proposing an amendment to Section 94 of the Consti-

tution of Alabama of 1901, as amended by Amendment No. 112, in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 433. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 653. To authorize Class IV municipalities organized in accordance with Section 11-44B-1, et seq., Code of Alabama 1975, to annex unincorporated territory which has been enclosed within the corporate limits of the municipality for one (1) year or more, and prescribing procedures for the annexation of the unincorporated territory.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate concurred in and

adopted the following House amendment to the Bill, SB 653, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 653

**A BILL
TO BE ENTITLED
AN ACT**

To authorize Class IV municipalities organized in accordance with Section 11-44B-1, et seq., Code of Alabama 1975, to annex unincorporated territory which has been enclosed within the corporate limits of the municipality for one (1) year or more, and prescribing procedures for the annexation of the unincorporated territory.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any Class IV incorporated municipality in this state organized in accordance with Section 11-44B-1, et seq., Code of Alabama 1975, shall have the following power and authority:

(a) To annex all or any portion of any unincorporated territory or any unincorporated territories which are enclosed within the corporate limits of the municipality and have been so enclosed for a period of one (1) year or more on the effective date of this act. The municipality shall adopt an ordinance finding and declaring that the unincorporated territory or unincorporated territories set forth and described therein is enclosed within the existing corporate limits of the municipality and has been so enclosed for a period of one (1) year or more on the effective date of this act and that the annexation of the unincorporated territory or unincorporated territories is in the best interest of the public good and welfare of the municipality. Annexation of the unincorporated territory or unincorporated territories described in the ordinance shall be effective following the adoption and the publication thereof as required by law, and the filing of a copy of the ordinance, together with a map of the territory or territories annexed in the office of the judge of probate of the county or counties where the annexed territory is located. Any annexation made pursuant to this subsection must be made within one year of the effective date of this act.

(b) To annex all or any portion of any unincorporated territory or any unincorporated territories which become enclosed within the corporate limits of the municipality and have been so enclosed for a period of one (1) year or more. The municipality shall adopt an ordinance finding and declaring that the unincorporated territory or unincorporated territories set forth and described therein is enclosed within the corporate limits of the

municipality and has been so enclosed for a period of one (1) year or more on the date of the adoption of said ordinance and that the annexation of the unincorporated territory or unincorporated territories is in the best interest of the public good and welfare of the municipality. Annexation of the unincorporated territory or unincorporated territories described in the ordinance shall be effective following the adoption and the publication thereof as required by law, and the filing of a copy of the ordinance, together with a map of the territory or territories annexed in the office of the judge of probate of the county or counties where the annexed territory is located. Provided, however, no unincorporated territory or unincorporated territories larger than fifteen (15) acres in size may be annexed pursuant to the provisions of this subsection of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

RESOLUTION

Senators Corbett, Lindsey, Campbell, Escott-Russell, Dixon, Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom offered the following Senate Resolution, to-wit:

SR 137. HONORING MS. TONI L. PAPPAS FOR SERVICE TO THE ALABAMA SENATE.

WHEREAS, in consensus of commendation, the Senate of the Alabama Legislature notes the accomplished tenure of Ms. Toni L. Pappas of

Montgomery, Alabama, as an invaluable employee of the Alabama Senate; and

WHEREAS, a graduate of Jefferson Davis High School and Auburn University at Montgomery, where she received a Bachelors degree, Toni was employed by the Alabama Shakespeare Festival and the Attorney General's Office before joining the Senate; and

WHEREAS, since 1990, she has been employed full-time working in a variety of capacities including Clerk in the Payroll and Accounting Office and working with the "Desk Crew" in the Senate Chamber while in session; and

WHEREAS, her poise, wit, and charm have proven to be an invaluable asset to us all; and

WHEREAS, Toni Pappas, whom we value highly as a close personal friend, is an extraordinary public servant whose experience and expertise have been of inestimable worth to the members and staff of the Senate; and

WHEREAS, she is the daughter of Colonel and Mrs. C. A. Pappas, and, sadly, will be relocating shortly to Atlanta, Georgia, to be with her family; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we most highly commend Ms. Toni L. Pappas for distinguished service to the Alabama Senate and request that she receive a copy of this resolution as a token of our appreciation and warmest personal regard.

On motion of Senator Corbett, the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, SB 187, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 187

A BILL
TO BE ENTITLED
AN ACT

To provide further an eight percent salary increase for certain state employees, to provide for the proper funding therefor, and to prohibit any merit or special raise for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning with the first payday on or after October 1, 1994, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county or other contributing agency under the direction of the state board of health shall receive an eight percent salary increase. Any cost-of-living increase granted under the provisions of this Act shall not apply to any local supplement provided to any judges or any other employee of this state. The provisions of this bill shall not apply to any local employee whose salary is tied to that of any state employee. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this act apply to state judges whose salaries are payable from the state treasury if such judges'

salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1994 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1994 Regular Session or Special sessions of the legislature.

Section 3. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to all court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to the legislative employees, the secretary of the senate for senate employees, the clerk of the house of representatives for house employees, and the director of the Legislative Reference Service for Legislative Reference Service employees, and the director of the Legislative Fiscal Office for Legislative Fiscal Office employees shall revise the schedule or rates set forth in the pay plan for such legislative employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state officials and employees an increase of eight percent in salaries is hereby appropriated for the fiscal year beginning October 1, 1994, from such funds and in the same proportion as the salaries of the several state officials and employees are paid.

Section 5. Any employee who receives the eight percent salary increase provided for in Section 1 of this act shall be prohibited from receiving a merit raise or special raise during the fiscal year 1994-95.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby specifically repealed.

Section 8. This act shall become effective on September 17, 1994, with the first payment on October 14, 1994, for all state officials and employees covered by this Act who are paid bi-weekly, and effective on Octo-

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ber 1, 1994, for all state officials and employees covered by this act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, and upon its otherwise becoming a law.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom
-29

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 516. To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Freeman, Parker (T), and Fuller.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 241, the title of which is set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -29

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Foshee, Hill, and Parsons.

RESOLUTION

Senator Dixon offered the following Senate Joint Resolution, to-wit:

SJR 138. COMMENDING TURNER INSCOE ON HIS ELECTION AS 1995 GOVERNOR OF THE ALABAMA YOUTH LEGISLATURE.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the election of Turner Inscoe as Youth Governor for 1995 during the 46th annual YMCA Alabama Youth Legislature, held March 17-20, 1994, in Montgomery, Alabama; and

WHEREAS, patterned after the Alabama Legislature, Youth Legislature provides some of Alabama's brightest young people the opportu-

nity to experience the legislative process first hand; and

WHEREAS, Turner Inscoe, a 17 year-old junior at Montgomery Academy, who served as Senate Floor Leader for the '94 session, is the son of Jim and Elmore Inscoe, and the brother of Elmore Demott and Allison Inscoe, who served as Alabama's Youth Governor in 1990, the first time siblings have held the office; and

WHEREAS, young Turner, whose campaign theme was "Put Turner on the Top," chose education as the focus of his term, and has plans for a special session, a first for the program, to deal solely with the issue of improving Alabama's Educational System; he was also selected to attend the National Affairs Conference, a national mock government conference to debate national and international issues, which is to be held during the summer in Black Mountain, North Carolina; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and on his election as Youth Governor for the 1995 Alabama Youth Legislature, we hereby most highly commend and congratulate Turner Inscoe, of whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Lipscomb requested and received permission to suspend the Rules in order to bring up the Bill, HB 845.

Senator Lipscomb, B.I.R., HB 845, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 845. Relating to Baldwin County; to provide for the regula-

tion by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

was taken up.

Senator Lipscomb offered the following substitute for the Bill, HB 845, to-wit:

SUBSTITUTE FOR HB 845

A BILL TO BE ENTITLED AN ACT

Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill shall apply only to Baldwin County.

Section 2. The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

Section 3. The provisions of this act do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, bill boards, or utility lines or other facilities of public utilities.

Section 4. The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

Section 5. The functional classifications and the construction setbacks required for each classification are established as follows:

(1) Principal arterials require a one hundred twenty-five (125) foot setback from the centerline of the right-of-way.

(2) Minor arterials require a one hundred (100) foot setback from the centerline of the right-of-way.

(3) Major collectors require a seventy-five (75) foot setback from the centerline of the right-of-way.

(4) Minor collectors require a fifty (50) foot setback from the centerline of the right-of-way.

Section 6. No permanent structure shall be erected or constructed within the designated construction setback.

Section 7. Any landowner or other aggrieved party may appeal any decision made pursuant to this act by filing Notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by strict enforcement of this act or any determination made pursuant to it. From the decision of the Baldwin County Planning and Zoning Commission, and within thirty days (30) thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama, for trial, de novo.

Section 8. The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this act.

Section 9. The provisions of this act are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County. This act shall supersede any laws or parts of laws including any part of Act No. 87-774, H.1073, 1977 Regular Session (Acts of Alabama 1987, p. 1512), or any rules, regulations, or ordinances which directly conflict with this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 845, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 223. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 223

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 223, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

TAYLOR HARPER,
SETH HAMMETT,
ALVIN HOLMES,

Conferees on the part of the House.

RYAN DEGRAFFENRIED,
FRED HORN,
DON HALE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 223

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to Constitution Hall Village at Huntsville, Alabama, the sum of \$1,000,000 from the Alabama Special Educational Trust Fund, to be used for support and maintenance.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

And said Bill, HB 223, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 223, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 223, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 26 Nays 3

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, and Windom - 26

Nays:

Senators:

Corbett, Little, and Wilson - 3

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices for all persons eight years and under, and penalties for violations; to amend Sec-

tion 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

And the Speaker of the House has appointed as Committee on part of the House, Representatives Biddle, Harper, and Clark (W).

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 195. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 195

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 195, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

TAYLOR HARPER,
SETH HAMMETT,
ALVIN HOLMES,

Conferees on the part of the House.

RYAN DEGRAFFENRIED,
FRED HORN,
DON HALE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 195

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Education for the fiscal year ending September 30, 1995, the following amounts from the Alabama Special Educational Trust Fund (ASETF) and Federal and Local Funds:

EDUCATION, DEPARTMENT OF:

(a) Direct Client Services for the Handicapped Program	87,394,694
The proposed spending plan for the ASETF moneys included in the above program is as follows:	
Homebound	2,956,361
Hemophilia	995,535
Children's Rehabilitation Services	6,090,331
Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state Medicaid agency for services relating to scoliosis	

and spina bifida medical care.
Rehabilitation Services

..... 8,759,799

Of the above appropriation to
Rehabilitation Services,
\$250,000 shall be used for the
Deaf Support Service.

Early Intervention Program

..... 3, 170,604

The release of the above appro-
priation to the Early Interven-
tion Program is conditioned
upon the receipt of federal
funds supporting this program.

SOURCE OF FUNDS:

(1) ASETF 21,972,630

(2) Federal and Local Funds . 65,422,064

Total Direct Client Services for
the Handicapped Program

21,972,630 65,422,064 87,394,694

(b) Disability Determination for
Social Security Program

30,522,911

SOURCE OF FUNDS:

(1) Federal and Local Funds . 30,522,911

Total Disability Determination
for Social Security Program ..

30,522,911 30,522,911

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF 21,972,630

(2) Federal and Local Funds . 95,944,975

TOTAL DEPARTMENT OF
EDUCATION

21,972,630 95,944,975 117,917,605

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975; (b) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce; (c) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school-age children to attend school.

Section 3. The Department of Education is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1995.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1994.

And said Bill, HB 195, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 195, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 195, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 26 Nays 1

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom

-26

Nay: Senator Parsons

- 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey (With Notice and Proof):

H. 904. Relating to Blount County; to further provide for the compensation of the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

REGULAR SESSION
26th Day

2623

ATTACHED TO THE BILL, HB 904, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 908. Relating to Elmore County; to provide for the speed limit on unpaved county roads.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holladay (With Notice and Proof):

H. 920. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

H. 929. Relating to Monroe County; providing for an additional expense allowance and salary for the coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 929, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.*GREG PAPPAS,*
*Clerk.***HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 904, 908, 920, and 929 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas:

H. 851. Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; and providing for a delayed effective date.

GREG PAPPAS,
Clerk.**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 851 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (L) (With Notice and Proof):

H. 930. Relating to Sumter County; to amend Section 2 of Act No. 90-612, H. 961, 1990 Regular Session (Acts 1990, p. 1124), relating to hazardous waste disposal fees; to provide that the trustees may invest the proceeds from the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 930 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Black (L) (With Notice and Proof):

H. 931. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Gainesville in Sumter County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 931 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rogers (J), Spratt, Perdue, Newton (D), McClain, Barnes, Hawkins, Payne, Curry, Gaines, Sanderson, Biddle, Morton, and Carns:

H. 928. To amend Section 17-6-13 of the Code of Alabama 1975, to provide further for the compensation for election officials.

GREG PAPPAS,
Clerk.**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 928 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 200. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited

financial statement prior to release of any funds.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Hammett, and Holmes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 200, the title of which is set out in the foregoing Message from the House.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, Denton, Ellis, Escott-Russell, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Horn, Hale, and deGraffenried.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 812. To amend Section 4 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making supplemental appropriations to the Alabama Department of Economic and Community Affairs; to remove the condition that supplemental appropriations be made in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program; and to repeal Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations contingent upon receipt of the federal notice

of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Clark (J), and Kennedy.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 812, the title of which is set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Barron, Owens, and Foshee.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 922. Relating to Dallas County; to provide for the distribution of beer tax revenue collected in the corporate limits and police jurisdiction of the Town of Orrville.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 923. Relating to Dallas County; providing for an additional special transaction fee on certain public business filed and transacted in the office of the revenue commissioner; and providing for disposition of funds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 924. Relating to Dallas County; providing further for the salary of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 924, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 925. Relating to Dallas County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from stor-

age, gasoline and motor fuel in Dallas County in an amount not to exceed two cents (\$0.02) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; and to fix the penalty for the violation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 925, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 922, 923, 924, and 925 - to the Committee on Local Legislation No. 1

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 516. To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

Also:

S. 653. To authorize Class IV municipalities organized in ac-

cordance with Section 11-44B-1, et seq., Code of Alabama 1975, to annex unincorporated territory which has been enclosed within the corporate limits of the municipality for one (1) year or more, and prescribing procedures for the annexation of the unincorporated territory.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 187. To provide further an eight percent salary increase for certain state employees, to provide for the proper funding therefor, and to prohibit any merit or special raise for the fiscal year ending September 30, 1995.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 282. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 282 - to the Select Committee on Fiscal Responsibility

INTRODUCTION OF BILLS

Upon the call of districts, the bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Senator Langford:

S. 680. To make a supplemental appropriation to Alabama A&M University and to Alabama State University from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

On motion of Senator Langford, Rule 11 was suspended.

BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 299, adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford,

Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (J), Underwood, and
Windom -25

Nays:

Senators:

Floyd and Wilson

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

was taken up.

Senator Bolling offered the following substitute for the Bill, HB 299, to-wit:

SUBSTITUTE FOR HB 299

**A BILL
TO BE ENTITLED
AN ACT**

To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 403. Proposing an amendment to Section 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112, in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151,

Code of Alabama 1975, relating to sales by distributors.

Also:

H. 433. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 398. Relating to Talladega College, Concordia College, and Selma University; granting certain persons employed by the colleges certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary

of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 443. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey:

H. 817. To amend Section 17-10-11, Code of Alabama 1975, to provide for appointment of election workers in sufficient numbers as necessary to process and canvas absentee ballots using optical scanning devices.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 817 - to the Committee on Governmental Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 430. To make a supplemental appropriation for the sum of thirty thousand dollars (\$30,000) to the Alabama Liquefied Petroleum Gas

Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 430 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

H. 675. Relating to the great seal of the state; making it unlawful to use an image or facsimile of the great seal of the state for commercial purposes and to possess and present and to print or distribute, or both, certain identification cards which do not have a certain disclaimer of their authenticity printed on them in a certain place and providing criminal penalties.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 675 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

H. 437. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 437 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. McDaniel, Richardson, Smith (R), Sanderson, Sanderford, Burke, Hammett, Haney, Hooper, Laird, Carothers, Beasley, Mathis, Newton (C), Clay, Johnson, Thomas, Penry, Gullatt, Box, Turnham, Venable, Layson, Harvey, Ford, Anderson, Lindsey, Knight (A), Hill, and Collins:

H. 583. To regulate commercial telephone solicitation, to require the annual registration, licensing, and bonding of commercial telephone sellers and salespersons, to specify exemptions, to set license fees, to prescribe civil and criminal penalties for violations, to authorize administration and enforcement by the Attorney General, to authorize waiver of

civil penalties or other claims or costs if the violator has previously made full restitution or reimbursement or paid actual damages to injured purchasers, to authorize settlement of claims and actions, to authorize deposit of civil penalties, settlement amounts, attorney's fees, and costs into the State General Fund and appropriations therefrom for deposit into a special revenue account together with other receipts in the Office of the Attorney General, to provide for a revolving fund for implementation and enforcement of this act, and for administration, investigation, and future civil and criminal prosecution.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 583 - to the Committee on Commerce, Transportation, and Utilities

FURTHER CONSIDERATION OF HB 299

The Senate proceeded to further consideration of the Bill, HB 299. The question was on the Bolling substitute.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

SB 121	SB 60	SB 321	SJR 129	SB 85	SB 332
SB 299	SB 87	SB 388	SB 197		

Delivered to the Governor on April 12, 1994, at 1:20 P.M.

SB 262	SB 636	SB 652	SB 655	SB 656	SB 659
SB 623	SB 651	SB 654			

REGULAR SESSION
26th Day

2641

Delivered to the Governor on April 12, 1994, at 3:10 P.M.

SB 187 SB 516 SB 653

Delivered to the Governor on April 12, 1994, at 6:25 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:15 P.M., on motion of Senator Hale, pending further consideration of the Bill, HB 299, the Senate adjourned until Thursday, April 14, 1994, at 9:30 A.M.

Yeas 17 Nays 10

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Floyd, Ghee, Horn, Langford, Mitchell, Mitchem, Parsons, Waggoner, Wilson, and Windom

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Nays:

Senators:

Bolling, Ellis, Foshee, Hale, Hill, Lindsey, Little, Owens, Smith (J), and Underwood

-10

TWENTY-SEVENTH LEGISLATIVE DAY

THURSDAY, APRIL 14, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Walter Owens, Twenty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ann Winston, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Hale, leave of absence was granted Senator Sanders for today.

MESSAGE FROM THE GOVERNOR

Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Joint Resolution No. 63, without the Governor's signature and approval, but with the following veto message.

Done this 22nd day of March, 1994.

Respectfully submitted:

BRAD BISHOP,
Legal Advisor to the Governor.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Joint Resolution No. 63 without my signature and approval.

I disapprove, reject Senate Joint Resolution 63 for that it is subsumed in, substituted in its entirety by Senate Joint Resolution 86 which properly includes Forestry Commission employees inadvertently omitted in Senate Joint Resolution 63. To sign, approve both would place Senate Joint Resolution 63 ahead of and it would have primary over the correct resolution, Senate Joint Resolution 86, thus undoing to the corrections Sen-

ate Joint Resolution 86 accomplished. I have, of course, concurred in and have signed Senate Joint Resolution 86 which became Act No. 94-241.

For the foregoing reasons, I hereby veto Senate Joint Resolution No. 63. I encourage you to join me in this decision.

Done on this the 22nd day of March, 1994.

Respectfully,

JIM FOLSOM,
Governor.

GOVERNOR'S MESSAGE

On motion of Senator Denton, the Rules were suspended and further consideration of the veto of His Excellency, the Governor, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate amendment to the Bill:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; define the word "farmer"; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Lindsey, Harvey, and Haney.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 272, the title of which is set out in the foregoing Message from the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Horn, Langford, Little, Mitchell, Parsons, Underwood, Waggoner, Wilson, and Windom -18

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Foshee, Waggoner, and Campbell.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 407. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, April 12, 1994, they adjourn to meet again on Thursday, April 14, 1994; and when they adjourn on Thursday, April 14, 1994, they adjourn to meet again on Monday, April 25, 1994; and when they adjourn on Monday, April 25, 1994, they adjourn sine die.

GREG PAPPAS,
Clerk.

Senator Dixon offered the following substitute for the Resolution, HJR 407, to-wit:

SUBSTITUTE FOR HJR 407

HJR 407. RELATIVE TO MEETING DAYS.

On motion of Senator Wilson, said substitute was laid on the table.

Yeas 16 Nays 11

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dial, Figures, Foshee, Ghee, Hale,

Hill, Horn, Langford, Owens, Smith (J), Wilson, and Windom -16

Nays:

Senators:

Bedsole, Campbell, Corbett, Dixon, Escott-Russell, Little, Mitchell,
Mitchem, Parsons, Underwood, and Waggoner -11

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 223. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 195. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 387. To amend Section 30-3-62, Code of Alabama 1975, relating to income withholding orders for support, to provide procedures by which income withholding orders may be terminated under certain circumstances without a hearing upon filing of an affidavit by the obligor, notice to the obligee, and issuance of an order.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HJR 407

The Senate proceeded to further consideration of the Resolution, HJR 407.

Senator Little offered the following substitute for the Resolution, HJR 407, to-wit:

SUBSTITUTE FOR HJR 407

HJR 407. RELATIVE TO MEETING DAYS.

On motion of Senator Dial, said substitute was laid on the table.

Senator Little then offered the following substitute No. 2 for the Resolution, HJR 407, to-wit:

SUBSTITUTE NO. 2 FOR HJR 407

HJR 407. RELATIVE TO MEETING DAYS.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 23 Nays 4

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Smith (J), Underwood, Wilson, and Windom -23

Nays:

Senators:

Corbett, Escott-Russell, Little, and Parsons - 4

And on motion of Senator Dial, the Rules were suspended and the Resolution, HJR 407, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 134. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS ON THEIR STATE 3-A HIGH SCHOOL BASKETBALL CHAMPIONSHIP 1993-94 TITLE.

Also:

SJR 138. COMMENDING TURNER INSCOE ON HIS ELECTION AS 1995 GOVERNOR OF THE ALABAMA YOUTH LEGISLATURE.

GREG PAPPAS,
Clerk.

RESOLUTIONS

Senators Figures and Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 139. COMMENDING THE SUMTER COUNTY HIGH SCHOOL WILDCATS AS THE 1994 STATE CLASS 4A BASKETBALL CHAMPIONS.

WHEREAS, it is with great pleasure that the Legislature of Alabama commends and congratulates the Sumter County High School Wildcats on their 1994 State Class 4A Basketball Championship; and

WHEREAS, the Wildcats finished the regular season with an outstanding record of 22 wins and only five losses and advanced to the final four of the State Basketball Playoffs for Class 4A where they improved their final record to 26 wins and five losses; and

WHEREAS, this courageous team was expertly directed throughout the season by Head Coach Johnny Patrick who was ably assisted by Darren Blakley and Chris Spencer; and

WHEREAS, the members of the 1994 Class 4A State Champions are: Anthony Artis, Demetrius Bollar, Bobby Collins, Benjamin Foster, Willie Harris, Norris Lake, Timothy Lake, Timothy Law, Thomas McAlvoy, Demetrius Noble, Johnny Patrick, Jr., Roscoe Tucker, Reginald Walker, and Melvin Willis, Jr.; and

WHEREAS, the Legislature is extremely proud of the sportsmanship and support displayed throughout the season by the coaches, players, cheerleaders, sponsors, administration, parents, and fans of the Sumter County High School Wildcats; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Johnny Patrick and the Sumter County High School Wildcats as the 1994 State Class 4A Basketball Champions, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Figures and Sanders then requested and received permis-

sion to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 140. COMMENDING THE SUMTER COUNTY HIGH SCHOOL LADY WILDCATS AS THE 1994 RUNNER-UP FOR THE STATE 4A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Sumter County High School Lady Wildcats on an outstanding regular season record of 22 wins and only 2 losses and upon finishing as the runner-up for the 1994 State 4A Basketball Championship; and

WHEREAS, the Lady Wildcat team accomplished this feat under the expert direction of Coach Alonzo Sledge and the skillful teamwork of the following players: Cashandra Boyd, Yolanda Crawford, Cawanda DeLaine, Deshanna Graham, Deveeta Hines, Remona Jemison, Tywana Miller, Temeka Mumford, Angela Ray, Camilla Ruffin, Diann Smoot, LaTonja Steele, and Sharon Thompson; and

WHEREAS, the Legislature is extremely proud and appreciative of the sportsmanlike manner in which the players, coaches, cheerleaders, sponsors, administration, parents, students, and fans of the Sumter County High Lady Wildcats conducted themselves during the regular season and the post season tournaments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Alonzo Sledge and the Sumter County Lady Wildcats as the 1994 runner-up for the State Class 4A Basketball Championship, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Figures and Sanders then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 141. COMMENDING THE SUMTER COUNTY HIGH SCHOOL CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, with great appreciation for their hard work and accomplishments, the Legislature of Alabama most heartily congratulates and

commends the Sumter County High School Cheerleaders on their attendance of each regular season game and the Final Four State Basketball Class 4-A Championships, as well as for their promotion of team and fan spirit and support in each sport throughout the school year; and

WHEREAS, superbly coached by their sponsor, Charlie Mae Jackson, the Sumter County High School Cheerleaders are Veronica Brown, Lasonja Clayton, Monique Deavers, Karen Jones, Ja'net Patrick, Sharon Payne, Tonia Thompson, Pamela Watkins, Shanna Washington, and Cassandra Washington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby most heartily congratulate Sponsor Charlie Mae Jackson and the Sumter County High School Cheerleaders for outstanding achievement and direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Willis, Lindsey, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Cams, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Tumham, Venable, Walker, Warren, White, Williams, and Zoghyby:

HJR 410. EXPRESSING SYMPATHY AND SUPPORT TO STORM VICTIMS IN NORTHEAST ALABAMA.

Also:

By Reps. Lindsey, Willis, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Tumham, Venable, Walker, Warren, White, Williams, and Zoghby:

HJR 411. COMMENDING THE MANY AGENCIES AND INDIVIDUALS WHO PROVIDED ASSISTANCE TO THE STORM RAVAGED AREA OF NORTHEAST ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Rules were suspended and the Resolutions, HJR's 410 and 411, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Kvalheim:

HJR 421. MOURNING THE DEATH OF MR. DANIEL BERSON OF MOBILE, ALABAMA.

Also:

By Rep. Hall (L):

HJR 425. RECOGNIZING THE UNVEILING OF AN HISTORICAL MARKER BY THE CITY OF HUNTSVILLE.

Also:

By Rep. Hall (L):

HJR 426. COMMENDING BOBBY HAYDEN OF HUNTSVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Rules were suspended and the Resolutions, HJR's 421, 425, and 426, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Reps. Page and Ford:

HJR 406. CONGRATULATING Q. D. ADAMS ON THE OCCASION OF HIS 75TH BIRTHDAY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Rules were suspended and the Resolution, HJR 406, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has

concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 125. NAMING THE NEW BRIDGE AND THE OLD BRIDGE SPANNING THE TENNESSEE RIVER AT GUNTERSVILLE, ALABAMA, "THE VETERANS MEMORIAL BRIDGES."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the following House amendment to the Resolution, SJR 125, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SJR 125

Amendment to SJR 125 on page 1, line 26, by striking after the word "Guntersville" the following: "." and inserting in lieu thereof the following: ", with concurrence of the Alabama Department of Transportation."

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gullatt:

HJR 386. COMMENDING THE 1993-94 CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE LADY PIRATES ON AN OUTSTANDING BASKETBALL SEASON.

Also:

By Rep. Gaines:

HJR 390. COMMENDING JOHN ZIMMERMAN, IV, OF HOMEWOOD, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT AND SPORTSMANSHIP.

Also:

By Rep. Barnes:

**HJR 402. COMMENDING MRS. MATTIE LEE MCINTOSH
OF BIRMINGHAM, ALABAMA.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 386, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Owens, the Rules were suspended and the Resolutions, HJR's 390 and 402, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 105. NAMING THE "CALL BEFORE YOU DIG" BILL
THE "ROSEMARY ELEBASH CALL BEFORE YOU DIG ACT OF
1994."**

Also:

**SJR 130. RECOGNIZING THE 50TH ANNIVERSARY OF
THE SMOKEY BEAR CAMPAIGN.**

Also:

**SJR 131. COMMENDING CAPTAIN MARTY STAPLETON
OF THE UNITED STATES COAST GUARD FOR EXCEPTIONAL
COURAGE AND INITIATIVE.**

Also:

SJR 132. COMMENDING CAPTAIN ROGER COOK OF THE

UNITED STATES COAST GUARD FOR EXCEPTIONAL COURAGE
AND INITIATIVE.GREG PAPPAS,
Clerk.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to- wit:

By Rep. Thomas (With Substitute):

H. 851. Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; and providing for a delayed effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 680. To make a supplemental appropriation to Alabama A&M University and to Alabama State University from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

By Reps. McDowell, Rogers (J), Spratt, Perdue, Newton (D), McClain, Barnes, Hawkins, Payne, Curry, Gaines, Sanderson, Biddle, Morton, and Cams:

H. 928. To amend Section 17-6-13 of the Code of Alabama 1975, to provide further for the compensation for election officials.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Penry and McMillan:

H. 718. To exempt public corporations formed under Article 9 of Chapter 50 of Title 11 of the Code of Alabama 1975, for the purpose of operating water, sewer, gas, or electric systems from sales, use, and similar gross receipts taxes; to provide for a retroactive effective date; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this act; and to provide an effective date for this act.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson:

H. 675. Relating to the great seal of the state; making it unlawful to use an image or facsimile of the great seal of the state for commercial purposes and to possess and present and to print or distribute, or both, certain identification cards which do not have a certain disclaimer of their authenticity printed on them in a certain place and providing criminal penalties.

By Reps. McDaniel, Richardson, Smith (R), Sanderson, Sanderford, Burke, Hammett, Haney, Hooper, Laird, Carothers, Beasley, Mathis, Newton (C), Clay, Johnson, Thomas, Penry, Gullatt, Box, Turnham, Venable, Layson, Harvey, Ford, Anderson, Lindsey, Knight (A), Hill, and Collins:

H. 583. To regulate commercial telephone solicitation, to require the annual registration, licensing, and bonding of commercial telephone sellers and salespersons, to specify exemptions, to set license fees, to prescribe civil and criminal penalties for violations, to authorize administration and enforcement by the Attorney General, to authorize waiver of civil penalties or other claims or costs if the violator has previously made full restitution or reimbursement or paid actual damages to injured purchasers, to authorize settlement of claims and actions, to authorize deposit of civil penalties, settlement amounts, attorney's fees, and costs into the State General Fund and appropriations therefrom for deposit into a special revenue account together with other receipts in the Office of the Attorney

General, to provide for a revolving fund for implementation and enforcement of this act, and for administration, investigation, and future civil and criminal prosecution.

By Rep. Johnson:

H. 437. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 194. To amend Sections 17-4-181 and 17-4-183 of the Code of Alabama 1975, to change the month the board meets to purge the lists and the date of publication of the names of persons struck from the lists of registered voters.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Williams (With Notice and Proof):

H. 882. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Napier Field in Dale County.

By Rep. Harvey (With Notice and Proof):

H. 904. Relating to Blount County; to further provide for the compensation of the judge of probate.

By Rep. Hill (With Notice and Proof):

H. 906. Relating to Shelby County; to impose a fee on the privi-

lege of engaging in the business of buying, selling, or renting real property in the county.

By Rep. Venable (With Notice and Proof):

H. 908. Relating to Elmore County; to provide for the speed limit on unpaved county roads.

By Reps. Penry and McMillan (With Notice and Proof):

H. 910. Relating to the Twenty-eighth Judicial Circuit of Alabama by authorizing the district attorney to establish a Restitution Recovery Division within the office of the district attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 922. Relating to Dallas County; to provide for the distribution of beer tax revenue collected in the corporate limits and police jurisdiction of the Town of Orrville.

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 923. Relating to Dallas County; providing for an additional special transaction fee on certain public business filed and transacted in the office of the revenue commissioner; and providing for disposition of funds from the additional fees.

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 924. Relating to Dallas County; providing further for the salary of the sheriff.

By Reps. Cosby, Thomas, and Bryant (With Notice and Proof):

H. 925. Relating to Dallas County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from stor-

age, gasoline and motor fuel in Dallas County in an amount not to exceed two cents (\$0.02) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; and to fix the penalty for the violation of this act.

By Rep. Warren (With Notice and Proof):

H. 929. Relating to Monroe County; providing for an additional expense allowance and salary for the coroner.

By Rep. Black (L) (With Notice and Proof):

H. 930. Relating to Sumter County; to amend Section 2 of Act No. 90-612, H. 961, 1990 Regular Session (Acts 1990, p. 1124), relating to hazardous waste disposal fees; to provide that the trustees may invest the proceeds from the fees.

By Rep. Black (L) (With Notice and Proof):

H. 931. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Gainesville in Sumter County.

By Rep. Holladay (With Notice and Proof):

H. 920. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 430. To make a supplemental appropriation for the sum of thirty thousand dollars (\$30,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

By Rep. Harper:

H. 282. To provide a credit for certain service in the determina-

tion of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Zoghby, Gullatt, Rockhold, McDowell, and Hall (L):

H. 617. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975; to provide for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone, provided that advance written notice is given all members of the board; and to provide for the annual appropriation made to the board.

By Rep. Buskey:

H. 817. To amend Section 17-10-11, Code of Alabama 1975, to provide for appointment of election workers in sufficient numbers as necessary to process and canvas absentee ballots using optical scanning devices.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Robert Cornell Smith to the Alabama Surface Mining Commission

On motion of Senator Corbett, the appointment of Mr. Smith was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Underwood, Waggoner, Wilson, and Windom

-18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Clifford Joseph Drouet to the Alabama Forestry Commission

On motion of Senator Corbett, the appointment of Mr. Drouet was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, Dixon, Escott-Russell, Figures, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Underwood, Waggoner, Wilson, and Windom -18

Nays:

- 0

GOVERNOR'S APPOINTMENT RECONSIDERED

On motion of Senator Wilson, the Senate reconsidered the vote by which the appointment of Mr. Robert Cornell Smith to the Surface Mining Commission was confirmed by the Senate.

On motion of Senator Wilson, the Rules were suspended and further consideration of the appointment of Mr. Smith was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

Senator Corbett requested and received permission to suspended the Rules in order to bring up the following report from confirmations, to-wit:

Appointment of Guice Slawson to the Alabama Forestry Commission

On motion of Senator Corbett, the appointment of Mr. Slawson was confirmed by the Senate.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell,

Figures, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -21

Nays: - 0

RESOLUTION

Senators Owens, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 142. NAMING THE “FOREVER WILD” ACT, “THE GHEE-CAMPBELL ACT.”

WHEREAS, Alabama is endowed with a rich diversity of natural areas having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational values, and scenic beauty; and

WHEREAS, as a part of the continuing growth of the population and the economic development of the state, it is desirable that certain lands and waters be set aside, managed, and preserved for use as state parks, nature preserves, recreation areas, and wildlife management areas; and

WHEREAS, Amendment No. 592 to the Constitution of Alabama of 1901, proposed by Act No. 91-219, H. 301, 1991 Regular Session, and proclaimed ratified February 2, 1993, provides for the acquisition, maintenance, and protection of lands and water areas in this state through the establishment of the Alabama Forever Wild Land Trust; and

WHEREAS, Senator Doug Ghee and Representative James Campbell, both of Anniston, worked tirelessly for passage of the “Forever Wild” Act; and

WHEREAS, the enactment of H. 301 providing for the protection of the natural heritage and the diversity of Alabama for future generations is to the great credit of Senator Doug Ghee and Representative James Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Amendment No. 592 to the Constitution of Alabama of 1901, proposed by Act No. 91-219, H. 301, 1991 Regular Session, and proclaimed ratified February 2, 1993, is

hereby named and shall forever be known as "The Ghee-Campbell Act."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to our esteemed colleagues, Senator Doug Ghee and Representative James Campbell.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 577. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend Section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection, and use of additional court costs in certain cases to defray the expense of juror parking, so as to further provide for the court costs in civil and domestic relations cases in the circuit court.

Also:

S. 665. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING

THE BILL:

S. 342. Relating to Jefferson County; to provide for the taxing and collecting of additional court costs in the Birmingham Division of the Tenth Judicial Circuit of Alabama to provide additional funding over and above those court costs currently taxed and collected pursuant to Section 11-25-1, et seq., Code of Alabama 1975, which such additional court costs shall provide for the additional establishment, maintenance, operation and financing of the public law library in Jefferson County, Alabama located in or near the Birmingham Division Courthouse; to designate those officers

and persons as having the duty and authority to collect and administer said funds.

was taken up.

Senator Waggoner moved that further consideration of the Bill, SB 342, be indefinitely postponed.

Senator Parsons moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 2 Nays 4
Abstaining 5

Yeas:

Senators:

Denton and Hale - 2

Nays:

Senators:

Amari, Horn, Underwood, and Waggoner - 4

Abstaining:

Senators:

Little, Mitchell, Parsons, Wilson, and Windom - 5

The President Pro Tempore and Presiding Officer of the Senate declared a quorum present but not voting.

The question recurred on the motion of Senator Waggoner that further consideration of the Bill, SB 342, be indefinitely postponed, which motion was adopted.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 685. Relating to Jefferson County; to amend Section 18 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as last amended by Act No. 89-467, H. 541 of the 1989 Regular Session (Acts 1989, p. 967), relating to creating and establishing a countywide civil service system; to provide for additional names to be certified for vacancies in the classified service.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, and Windom -25

Nays:

- 0

THE BILL:

S. 98. Relating to retirement or participant benefits and spouse's or survivor's benefits paid by certain pension, relief, or retirement systems of Class 1 municipalities to persons who are covered under the Policemen's Pension and Relief Fund provided by Act No. 502 of the 1923 Session of the Legislature, as amended, the Fireman's Pension and Relief Fund provided by Act No. 307 of the 1943 Session of the Legislature, as amended, the Separate Policeman's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature, as amended, or the Separate Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature, as amended, to provide further for certain minimum monthly benefits payable under the systems to certain persons.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchem, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

THE BILL:

H. 243. Relating to Jefferson County; to amend Act No. 929, S.676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for a retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

2667

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Waggoner -25

Nays:

- 0

THE BILL:

H. 329. Relating to the City of Birmingham in Jefferson County; to amend Act No. 453, H. 427 of the 1967 Regular Session (Acts 1967, p. 1129), as amended by Act No. 393, H. 1317 of the 1975 Regular Session (Acts 1975, p. 976), as amended, establishing a pension and relief fund for officers and employees of the library board of any city having a population of 300,000 or more according to the 1970 or any subsequent federal census, to authorize the library board employer of the members of the Library Board Employees' Pension and Relief Fund to pay certain employee contributions for certain members of the system.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

THE BILL:

H. 907. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, Denton, Dial, Dixon, Ellis,

Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 897. Relating to the office of the sheriff in Tuscaloosa County; to provide for the position of chief jailer in the unclassified service of the county; to provide for the compensation of the chief jailer; and to authorize the Sheriff of Tuscaloosa County to appoint the chief jailer.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 886. Relating to Walker County; amending Section 6 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), as amended by Act No. 80-673, H. 1116, 1980 Regular Session (Acts 1980, p. 1351), relating to the county civil service system, to provide for the compensation of the members of the civil service board.

was taken up.

Senator Wilson offered the following amendment to the Bill, HB 886, to-wit:

AMENDMENT TO HB 886

On page 2, Section 1, line 2, after “(\$100)” insert the word:

monthly

Which was adopted.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

2669

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott- Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Smith (B), Waggoner, and Wilson
-25

Nays:

- 0

And said Bill, HB 886, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 878. Relating to Blount County: providing for voters to vote at machines with the least voting activity.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 749. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire

protection services and emergency medical care and providing for the distribution of funds from the fees; and to repeal Act No. 92-660, H. 63, 1992 Second Special Session.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Hill, Langford, Lindsey, Mitchell, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 822. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to provide a regular retirement for employees who complete 30 years of creditable service; to amend Section 1 of Act No. 469 of the Legislature of Alabama of 1989 and Section 1 of Act No. 392 of the Legislature of Alabama of 1993 to increase employee contributions to five percent of salary; and establish provisions for an employee to be restored to active service from service retirement.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 883. Relating to Calhoun County; to provide for the assessment and collection of additional court costs in the district and circuit court

REGULAR SESSION
27th Day

2671

of the county; and to provide for the use of the funds for security at the Calhoun County Courthouse.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott- Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchem, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

RECESS

At 12:05 P.M., on motion of Senator Corbett, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

The question was on the Bolling substitute, which said substitute was offered on the Twenty-Sixth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills

with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 577. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend Section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection, and use of additional court costs in certain cases to defray the expense of juror parking, so as to further provide for the court costs in civil and domestic relations cases in the circuit court.

Also:

S. 665. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 105. NAMING THE "CALL BEFORE YOU DIG" BILL THE "ROSEMARY ELEBASH CALL BEFORE YOU DIG ACT OF 1994."

Also:

SJR 125. NAMING THE NEW BRIDGE AND THE OLD

BRIDGE SPANNING THE TENNESSEE RIVER AT GUNTERSVILLE, ALABAMA, "THE VETERANS MEMORIAL BRIDGES."

Also:

SJR 130. RECOGNIZING THE 50TH ANNIVERSARY OF THE SMOKEY BEAR CAMPAIGN.

Also:

SJR 131. COMMENDING CAPTAIN MARTY STAPLETON OF THE UNITED STATES COAST GUARD FOR EXCEPTIONAL COURAGE AND INITIATIVE.

Also:

SJR 132. COMMENDING CAPTAIN ROGER COOK OF THE UNITED STATES COAST GUARD FOR EXCEPTIONAL COURAGE AND INITIATIVE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 134. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS ON THEIR STATE 3-A HIGH SCHOOL BASKETBALL CHAMPIONSHIP 1993-94 TITLE.

Also:

SJR 138. COMMENDING TURNER INSCOE ON HIS ELECTION AS 1995 GOVERNOR OF THE ALABAMA YOUTH LEGISLATURE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 299

The Senate proceeded to further consideration of the Bill, HB 299. The question was on the Bolling substitute.

Senator Wilson offered the following substitute for the Bolling substitute for the Bill, HB 299, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR HB 299

A BILL TO BE ENTITLED AN ACT

To provide further for the reimbursement of health care providers by insurance companies.

MOTION TO ADJOURN

Senator Owens moved that when the Senate adjourns today, it adjourn to meet again on Monday, April 25, 1994, at 9 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint

Resolution, your signature thereto is requested.

HJR 407. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 421. MOURNING THE DEATH OF MR. DANIEL BERSON OF MOBILE, ALABAMA.

Also:

HJR 406. CONGRATULATING Q. D. ADAMS ON THE OCCASION OF HIS 75TH BIRTHDAY.

Also:

HJR 410. EXPRESSING SYMPATHY AND SUPPORT TO STORM VICTIMS IN NORTHEAST ALABAMA.

Also:

HJR 411. COMMENDING THE MANY AGENCIES AND INDIVIDUALS WHO PROVIDED ASSISTANCE TO THE STORM RAVAGED AREA OF NORTHEAST ALABAMA.

Also:

HJR 425. RECOGNIZING THE UNVEILING OF AN HIS-

TORICAL MARKER BY THE CITY OF HUNTSVILLE.

Also:

HJR 426. COMMENDING BOBBY HAYDEN OF HUNTSVILLE, ALABAMA.

Also:

HJR 390. COMMENDING JOHN ZIMMERMAN, IV, OF HOMEWOOD, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT AND SPORTSMANSHIP.

Also:

HJR 386. COMMENDING THE 1993-94 CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE LADY PIRATES ON AN OUTSTANDING BASKETBALL SEASON.

Also:

HJR 402. COMMENDING MRS. MATTIE LEE MCINTOSH OF BIRMINGHAM, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 685. Relating to Jefferson County; to amend Section 18 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as

last amended by Act No. 89-467, H. 541 of the 1989 Regular Session (Acts 1989, p. 967), relating to creating and establishing a countywide civil service system; to provide for additional names to be certified for vacancies in the classified service.

Also:

H. 907. Relating to Shelby County, to provide a salary supplement for the judicial assistant to the Presiding Circuit Court Judge and the Presiding District Court Judge and to repeal Act No. 91-463, S. 667, 1991 Regular Session, (Acts 1991, p. 837).

Also:

H. 329. Relating to the City of Birmingham in Jefferson County; to amend Act No. 453, H. 427 of the 1967 Regular Session (Acts 1967, p. 1129), as amended by Act No. 393, H. 1317 of the 1975 Regular Session (Acts 1975, p. 976), as amended, establishing a pension and relief fund for officers and employees of the library board of any city having a population of 300,000 or more according to the 1970 or any subsequent federal census, to authorize the library board employer of the members of the Library Board Employees' Pension and Relief Fund to pay certain employee contributions for certain members of the system.

Also:

H. 243. Relating to Jefferson County; to amend Act No. 929, S.676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for a retroactive effect.

Also:

H. 897. Relating to the office of the sheriff in Tuscaloosa County; to provide for the position of chief jailer in the unclassified service of the county; to provide for the compensation of the chief jailer; and to authorize the Sheriff of Tuscaloosa County to appoint the chief jailer.

Also:

H. 822. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to provide a regular retirement for employees who complete 30 years of creditable service;

to amend Section 1 of Act No. 469 of the Legislature of Alabama of 1989 and Section 1 of Act No. 392 of the Legislature of Alabama of 1993 to increase employee contributions to five percent of salary; and establish provisions for an employee to be restored to active service from service retirement.

Also:

H. 878. Relating to Blount County: providing for voters to vote at machines with the least voting activity.

Also:

H. 883. Relating to Calhoun County; to provide for the assessment and collection of additional court costs in the district and circuit court of the county; and to provide for the use of the funds for security at the Calhoun County Courthouse.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 749. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to repeal Act No. 92-660, H. 63, 1992 Second Special Session.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 886. Relating to Walker County; amending Section 6 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), as amended by Act No. 80-673, H. 1116, 1980 Regular Session (Acts 1980, p. 1351), relating to the county civil service system, to provide for the compensation of the members of the civil service board.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 886. Relating to Walker County; amending Section 6 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), as amended by Act No. 80-673, H. 1116, 1980 Regular Session (Acts 1980, p. 1351), relating to the county civil service system, to provide for the compensation of the members of the civil service board.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been

dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 103. To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance of law enforcement officers to include on a graduated basis officers with the Department of Corrections.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 299

The Senate proceeded to futher consideration of the Bill, HB 299. The question was on the Wilson substitute for the Bolling substitute.

On motion of Senator Bolling, said Wilson substitute was laid on the table.

And on motion of Senator Bolling, said Bolling substitute was laid on the table.

Senator Bolling then offered the following substitute No. 2 for the Bill, HB 299, to-wit:

SUBSTITUTE NO. 2 FOR HB 299

A BILL
TO BE ENTITLED
AN ACT

To provide further for the reimbursement of health care providers by insurance companies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All persons, firms, corporations, associations, health

maintenance organizations, health insurance service, or preferred provider organizations, non-profit health service organizations, and any employer sponsored health benefit company providing health, accident, dental, or workmen's compensation insurance coverage, either directly or indirectly through an agent, shall reimburse health care providers, including physicians, dentists, pharmacists, podiatrists, chiropractors, optometrists, durable medical equipment and home care providers, or subscribers for covered services within 25 working days or receipt of a proper claim or invoice at the office of the insurer or its designated office.

Section 2. If a provider of insurance coverage fails to comply with Section 1, then interest shall be payable on the claim commencing on the 26th day of receipt of the claim at a rate of 1.5 percent per month or any part of a month thereof until the claim has been paid, without any further action by the provider being required except as provided in Section 3.

Section 3. This act does not apply to claims where there is a dispute regarding the legitimacy of the claim, and the company or agency does both of the following:

(1) Notifies the provider within 2 weeks of the receipt of the claim that the claim is in dispute, and specifies which items of the claim are in dispute.

(2) Pays any undisputed portion of the claim within 30 days of receipt of the claim and makes a timely, good faith effort to resolve differences.

Section 4. The insured, or health or dental plan beneficiary may assign reimbursement for health or dental care services directly to the provider of services. Health benefits include medical, pharmacy, podiatric, chiropractic, optometric, durable medical equipment and home care services. The company or agency, when authorized by the insured, or health or dental plan beneficiary, shall pay directly to the health care provider the amount of the claim, under the same criteria and payment schedule that would have been reimbursed directly to the contract provider, and any applicable interest. This amount only applies to assigned claims. Any company or agency making a payment to the insured, or health or dental plan beneficiary, after the rights of reimbursement have been assigned to the provider of services, shall be liable to the provider for the payment. If the company or agency fails to reimburse the provider in accordance with the terms of the provider contract as provided in this act, then the provider shall be entitled to recover in the circuit or district courts of this state from the company or agency responsible for the payment of the claim an amount

equal to the value of such claim plus interest and a reasonable attorneys fee to be determined by the court.

Section 5. Nothing in this act shall be construed to limit any insurer, health maintenance organization, preferred provider organization, health care service corporation, or other third party payor from determining the scope of its benefits or services or any other terms of its group and/or individual insured, subscriber or enrollee contracts nor from negotiating contracts with licensed providers on reimbursement rates or any other lawful provisions, except that the contract providing coverage to an insured may not exclude the right of assignment of benefits to any provider at the same benefit rate as paid to a contract provider.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Wilson offered the following amendment to the Bolling substitute No. 2 for the Bill, HB 299, to-wit:

AMENDMENT TO SUBSTITUTE NO. 2 FOR HB 299

On page 2, on line 4, delete the period and insert in lieu thereof:

, and to except state administered health benefit plans.

On page 4, after line 16, insert the following new section and re-number all subsequent sections accordingly:

Section 6. This act shall not apply to any persons covered under a state administered health benefit plan.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 845. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 367. To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the members of the Public Service Commission so as to further provide for the compensation of the members of the Public Service Commission.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 299

The Senate proceeded to further consideration of the Bill, HB 299. The question was on the Bolling substitute No. 2, as amended.

And said substitute, as amended, was then adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott- Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

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Nays:

- 0

And said Bill, HB 299, as amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 845. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 143. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bill shall be the special, paramount and continuing order of business taking

precedence over all other matters until disposed of for the Twenty Seventh Legislative day only.

Page

H. 780

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Workers' compensation, filing of false statements, Class C felony

On motion of Senator Hale, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 780. To provide for the offense of making false statements to obtain workers' compensation benefits.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 103. To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance of law enforcement officers to include on a graduated basis officers with the Department of Corrections.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

Also:

S. 367. To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the members of the Public Service Commission so as to further provide for the compensation of the members of the Public Service Commission.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 780

The Senate proceeded to further consideration of the Bill, HB 780.

Senator Dixon offered the following substitute for the Bill, HB 780, to-wit:

SUBSTITUTE FOR HB 780**A BILL
TO BE ENTITLED
AN ACT**

To provide for the offense of making false statements to obtain or

decline workers' compensation benefits and to provide for civil immunity.

Senator Corbett offered the following substitute for the Dixon substitute for the Bill, HB 780, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR HB 780

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the offense of making false statements to obtain or deny workers' compensation benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits is guilty of a Class C felony.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Senator Dixon offered the following amendment to the Dixon substitute, as amended, for the Bill, HB 780, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 780

On page 1, on lines 25 and 26, delete "or denying workers' compensation benefits" and insert in lieu thereof:

compensation for himself or herself or any other person as defined in Section 25-5-1(1), Code of Alabama 1975, as amended,

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Sen-

ate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 130 SJR 138 SJR 125 SJR 131 SB 577 SB 665
SJR 134 SJR 105 SJR 132

Delivered to the Governor on April 14, 1994, at 1:50 P.M.

SB 103 SB 344 SB 367

Delivered to the Governor on April 14, 1994, at 4:35 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:50 P.M., on motion of Senator Figures, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 780, the Senate adjourned until Monday, April 25, 1994, at 9 o'clock A.M.

TWENTY-EIGHTH LEGISLATIVE DAY

MONDAY, APRIL 25, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Wendell Mitchell, Thirtieth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ann Winston, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 144. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following order of business in the order named shall be the special, paramount and continuing order of business taking precedence over the regular order of business for the Twenty-Eighth legislative day only.

Unfinished Business

On motion of Senator Hale, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 780. To provide for the offense of making false statements to obtain workers' compensation benefits.

having been Unfinished Business for the Twenty-Seventh Legislative Day. The question was on the Dixon amendment to the Dixon substitute, as amended, which said substitutes and amendment were offered on the Twenty-Seventh Legislative Day.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 83-761, the report of the Alabama Permanent Oil and Gas Study Committee was filed with the Secretary.

FURTHER CONSIDERATION OF HB 780

The Senate proceeded to further consideration of the Bill, HB 780.

The question was on the Dixon amendment to the Dixon substitute, as amended.

On motion of Senator Corbett, said amendment was laid on the table.

Senator Dixon offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 780, to-wit:

AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR HB 780

On page 1, on line 13, delete "or denying workers' compensation benefits" and insert in lieu thereof:

compensation, as defined in Section 25-5-1(1), as amended, for himself or herself or any other person.

On page 1, on lines 25 and 26, delete "or denying workers' compensation benefits" and insert in lieu thereof:

compensation, as defined in Section 25-5-1(1), Code of Alabama 1975, as amended, for himself or herself or any other person.

PETITION

At 10:05 A.M. pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending measure, HB 780, shall cease at 10:35 A.M. on April 25, 1994.

LARRY DIXON
JABO WAGGONER
WALTER OWENS
LOWELL BARRON
RYAN DEGRAFFENRIED
BILL SMITH
HINTON MITCHEM
GERALD DIAL
JEFF UNDERWOOD

ALBERT LIPSCOMB
JIM SMITH
B. DON HALE
GEORGE BOLLING
ODELL HILL
BUTCH ELLIS
ANN BEDSOLE
BOBBY DENTON
WENDELL MITCHELL

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 375. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 414. Relating to protective services for abused, infirm, incapacitated, neglected, exploited, sexually abused, or emotionally abused; to amend Sections 38-9-2, 38-9-6, 38-9-7, and 38-9-8, Code of Alabama 1975, to require caregivers to report suspected cases of abuse, neglect, exploitation, sexual abuse, and emotional abuse; to require investigations within seven days following an oral report of abuse, neglect, exploitation, sexual abuse, and emotional abuse; and to relieve the county departments of human resources from the requirement of investigating reports from certain penal and mental institutions.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 431. To provide that a person requesting medical records

shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF CLOTURE PETITION

The Senate proceeded to further consideration of the Cloture Petition relative to HB 780.

Which was adopted.

Yeas 21 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Ghee, Hale, Hill, Lipscomb, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -21

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Figures, Floyd, Langford, Lindsey, Little, Parsons, and Wilson -10

FURTHER CONSIDERATION OF HB 780

The Senate proceeded to further consideration of the Bill, HB 780. The question was on the Dixon amendment No. 2 to the Dixon substitute, as amended.

Which was adopted.

Yeas 21 Nays 12

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Hill, Lipscomb, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -21

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Floyd, Foshee, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, and Wilson -12

And the following Dixon substitute, as amended, the title of which is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day, was then adopted.

SUBSTITUTE, AS AMENDED, FOR HB 780

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the offense of making false statements to obtain or decline workers' compensation benefits and to provide for civil immunity.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) It is the intent of the Legislature in adopting this act to address difficulties that are currently plaguing the orderly and efficient administration of workers' compensation in Alabama. The Legislature finds that fraudulent claims for workers' compensation in Alabama have reached epidemic proportions, that these claims are estimated to include as many as one-third of all litigated claims, that these fraudulent claims divert resources from legitimately injured workers and cost the state much needed jobs. There is a total absence of any evidence that current available remedies have adequately addressed the problem of workers' compensation fraud.

(b) It is the finding and express intent of the Legislature that the existence of a fair and equitable system of workers' compensation within the State of Alabama materially contributes to the economic growth and prosperity of its citizens and that the enactment of a criminal fraud provision is necessary to deal with the problem of criminal fraud in workers' compensation that currently is interfering with the fair and equitable administration of workers' compensation. It is the further finding of the Legislature that the elimination of civil liability for false material statements and material representations in the handling of workers' compensation claims is necessary to enable the enacted criminal provision to operate equitably.

Section 2. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or declining compensation, as defined in Section 25-5-1(1), Code of Alabama 1975, for himself/herself or any other person, is guilty of a Class C felony.

Section 3. A person shall not be liable to any other person for a civil claim arising out of any false or fraudulent material statement or material representation, that is within the scope of the statements and repre-

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28th Day

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sentations prohibited by Section 2, regardless of whether such statements or representations form the basis for prosecution under Section 2 and regardless of whether such prosecution is ever initiated.

Section 4. The provisions of this act are not severable.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 23 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -23

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Figures, Floyd, Langford, Lindsey, Parsons, Sanders, and Wilson -10

And said Bill, HB 780, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 8

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Langford, Lindsey, Parsons, Sanders, and Wilson - 8

Senator Dixon moved that the Senate reconsider the vote by which the Bill, HB 780, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 19 Nays 13

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon,

Ellis, Hill, Lipscomb, Mitchell, Mitchem, Owens, Smith (B), Smith (J),
Underwood, Waggoner, and Windom -19

Nays:

Senators:

Amari, Campbell, Corbett, Escott-Russell, Figures, Floyd, Foshee, Langford,
Lindsey, Little, Parsons, Sanders, and Wilson -13

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 375. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Also:

S. 414. Relating to protective services for abused, infirm, incapacitated, neglected, exploited, sexually abused, or emotionally abused; to amend Sections 38-9-2, 38-9-6, 38-9-7, and 38-9-8, Code of Alabama 1975, to require caregivers to report suspected cases of abuse, neglect, exploitation, sexual abuse, and emotional abuse; to require investigations within seven days following an oral report of abuse, neglect, exploitation, sexual abuse, and emotional abuse; and to relieve the county departments of human resources from the requirement of investigating reports from certain penal and mental institutions.

Also:

S. 431. To provide that a person requesting medical records shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in

the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 590. Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate concurred in and adopted the following House amendment to the Bill, SB 590, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 590

A BILL
TO BE ENTITLED
AN ACT

Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. §36-27-23, Code of Alabama 1975, is hereby amended to read as follows:

“§36-27-23. Board of control; medical board, actuary.

“(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions

of this article are hereby vested in a board of trustees which shall be known as the board of control.

“(b) The board shall consist of 13 trustees as follows:

“(1) The governor, ex officio, who shall be chairman.

“(2) The state treasurer, ex officio.

“(3) The state personnel director, ex officio.

“(4) The director of finance, ex officio.

“(5) Three members of the retirement system, to be appointed by the governor, no two of whom shall be from the same department of the state government nor from any department of which an ex officio trustee is the head. The state employees appointed pursuant to this section shall be merit system employees with at least ten years of creditable state service and shall not be a department head or an assistant department head. The terms of office of the three members appointed by the governor shall begin immediately after they have qualified and taken the oath of office.

“(6) Two members of the state employees’ retirement system who shall be vested in the system and elected by a majority vote of the participating full-time state employees who are members of the said system. For their original terms, one shall serve for a two-year term and one shall serve for a three-year term. Thereafter, their successors each shall serve for a four-year term.

“a. During the month of July 1980, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August 1980. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptrollers who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months.”

b. Within 10 days of the effective date of the act adding this provision, the governor shall appoint new board members in accordance with the requirements added by this Act.

“~~b.~~ c. At the expiration of terms of office of the respective origi-

nal trustees elected under this subdivision (6) and every four years thereafter, their successors shall be elected in the same manner as provided by paragraph a. of this subdivision.

“(7) One member from the ranks of retired state employees and one member from the ranks of retired employees of a city, a county, or a public agency each of whom is an active beneficiary of the system shall be elected by a majority vote of the participating retired beneficiaries of the ~~said~~ system. The retired state employee member shall serve for a four-year term beginning October 1, 1984, ~~and~~ the member who is a retired employee of a city, a county or a public agency shall serve for a three-year term, beginning October 1, 1984, provided after the expiration date of the initial terms provided in this subdivision each term shall be for a period of three years.

“The retired members shall be elected in a statewide ballot conducted by the secretary-treasurer under rules promulgated by the board of control. The board of directors of the Alabama retired state employees association shall submit no more than two nominations for each retired member position. The board of control shall determine the procedure for selecting additional candidates. ~~Such~~ The ballots shall be conducted prior to October 1, 1984 and each applicable year thereafter in order that the trustees can take office by October 1, next following such election.

“(8) Two members of the retirement system who shall be employed by an employer participating pursuant to section 36-27-6, who shall be elected by a majority vote of the full-time employees of employers participating pursuant to section 36-27-6, and who are members of ~~said~~ the system. For their original terms one shall serve a three-year term and one shall serve a four-year term. Thereafter, their successors each shall serve for a four-year term.

“The election shall be conducted by the secretary-treasurer through use of a statewide ballot in accordance with rules promulgated by the board of control, which shall include a nomination petition of not less than 50 eligible voters. The election provided herein shall be conducted prior to October 1, 1991 and each applicable year thereafter in order that the trustees can take office October 1, next following such election.

“(c) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that of the trustees elected under subdivision (7) of subsection (b). In that event the vacancy for the unexpired term shall be filled by an appointment by the board of control of the employees' retirement system from a list of three retired employees furnished him by the board of directors of the Alabama retired state employees' association.

“(d) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the board of control.

“(e) Each trustee shall, within 10 days after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

“(f) Each trustee shall be entitled to one vote in the board of control. Seven votes in favor of any decision shall be necessary for a decision by the trustees at any meeting of said board.

“(g) Subject to the limitations of this article, the board of control shall, from time to time, establish rules and regulations for the administration of the funds created by this article and for the transaction of its business.

“(h) The board of control, by a majority vote of all ~~its members~~ trustees, shall elect a secretary-treasurer who shall serve as the chief executive officer of the retirement system. The board of control shall engage such actuarial and other special services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board, with the exception of clerical employees who shall be employed under the provisions of the Merit System Act, and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve.

“(i) The board of control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

“(j) The board of control shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

“(k) The attorney general of the state shall be the legal adviser of the board of control.

“(l) The board of control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of control its conclusions and recommendations upon all matters referred to it.

“(m) The board of control shall designate an actuary who shall be the technical adviser of the board of control on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

“(n) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of control shall authorize, and, on the basis of such investigation, he shall recommend for adoption by the board of control such tables and such rates as are required in subsection (o) of this section. The board of control shall adopt tables and certify rates and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this article.

“(o) In 1948, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and, taking into account the results of such investigation and valuation, the board of control shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and certify the rates of contribution payable by the state under the provisions of this article.

“(p) On the basis of such tables as the board of control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article.

Section 2. §36-27-25, Code of Alabama 1975, is hereby amended to read as follows:

“§36-27-25. Same - Management.

“(a) The board of control shall be the trustees of the several funds of the employees’ retirement system created by this article as provided in section 36-27-24 and shall have full power to invest and reinvest such funds, through its secretary-treasurer in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds or other investments as the board of control may from time to time approve, subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investment. Subject to like terms, conditions, limitations and restrictions, the board of control, through its secretary-treasurer, shall have full power to hold, purchase, sell, assign, transfer and dispose of any such investments in which such funds created in section 36-27-24 shall have been invested as well as the proceeds of said investments and any moneys belonging to such funds. No purchase of stocks or other so-called equity securities shall be made for such funds which shall cause the total of such stocks or equity securities held in such funds at any one time to exceed 20 percent of the total book value of all investments held in such funds.”

(b) The Governor ex officio, shall be chairperson of the board of control. At the board meeting when the new positions created by the act adding these provisions are sworn into office, the board of control shall elect from its membership a vice-chairperson who shall have at least three years of service experience on the board. The vice-chairperson shall serve a term concurrent with that of the position of investment committee place No. 1.

“**b** (c) The secretary-treasurer shall have the authority and it shall be his duty to carry out the investment policies fixed by the board of control and, pursuant thereto, he shall examine all offers of investments made to such funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held and shall from time to time make such purchases and sales of investments as he shall deem to be in the best interests of such funds and as the investment committee provided for in subsection (c) of this section and as the consultant to the secretary-treasurer, if any, appointed by the board of control under subsection (d) of this section, to the extent of the purpose for which it is appointed, shall approve.

“(e) (d) The board of control shall ~~appoint~~ provide for an investment committee which shall consist of three members of the board, one of whom shall be the director of finance. At the first board meeting held after the effective date of the act adding this provision, two members of the board, who individually have at least three years of service experience on the board, shall be elected to serve on the investment committee in positions designated as places No. 1 and No. 2. The person elected to serve in place No. 1

shall serve for an initial term of one year while the person elected to serve in place No. 2 shall serve for an initial term of two years. Successor terms for both places on the committee shall be for two years and successor candidates for the elected places shall meet the aforementioned board service experience requirement. The investment committee shall consider all investment recommendations made by the secretary-treasurer and shall either approve or disapprove the same. The investment committee may act through the affirmative vote of any two of its members. Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice for the transaction.

~~“(d)~~ (e) The board of control may appoint and employ as consultant to the secretary-treasurer in the purchase, sale and review of investments of said funds, to such extent as the board may designate, a bank having its principal office in the state of Alabama, having capital, surplus and undivided profits of not less than \$3,000,000.00 and having an organized investment department. The bank so appointed shall not sell securities to the retirement system other than U.S. government securities, for which no commission shall be charged.

~~“(e)~~ (f) The secretary-treasurer shall report to the board of control all purchases and sales of investments made by him pursuant to this section at least once semiannually.

~~“(f)~~ (g) The board of control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be credited annually thereto by the board of control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over such amount required shall be paid to the pension accumulation fund. Regular interest shall mean such percentage rate or rates to be compounded annually as shall be set from time to time by the board of control, such rate or rates to be limited to a minimum of three percent and a maximum of four and three-fourths percent.

~~“(g)~~ (h) Funds accruing to the annuity savings fund, the annuity reserve fund, the pension accumulation fund and the pension reserve fund shall be certified by the secretary-treasurer for deposit in the state treasury to the credit of the employees' retirement system. All moneys provided in accordance with the provisions of this chapter for administrative expenses shall be certified for deposit in the state treasury to the credit of the employees' retirement system expense fund. All payments from said funds shall be made by the state treasurer on warrants drawn by the state comptroller

upon vouchers signed by two persons designated by the board of control. A duly attested copy of the resolution of the board of control designating such persons and bearing on its face specimen signatures of such persons shall be filed with the state comptroller as his authority for drawing warrants upon such voucher.

~~“(h)”~~ (i) Except as otherwise provided in this article, no member of the board of control and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board nor as such receive any pay or emolument for his services. No member or employee of the board of control shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board of control become an endorser or surety or in any manner an obligor for moneys loaned to or borrowed from the board.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott- Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -32

Nays:

- 0

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning Senate Bill No. 280, have met in conference and have agreed to accept the attached amendment which is made a part of this report as is fully set out herein.

Respectfully submitted,

GERALD DIAL,
BUTCH ELLIS,

Conferees on the part of the Senate.

JACK BIDDLE, III,
BILL CLARK,
TAYLOR HARPER,

Conferees on the part of the House.

CONFERENCE COMMITTEE AMENDMENT TO SB 280

Delete Carothers Amendment No. 2 to the Substitute to the Substitute for SB 280, as Engrossed, Substituted, and Amended in its entirety and insert in lieu thereof the following:

On page 6, after line 16, insert a new subsection (b) as follows:

(b) In the case of a vessel or other marine device described in subsection (a) of this section, only where the law enforcement officer of the Department of Conservation and Natural Resources has prior to stopping a vessel probable cause to believe that the operator of the vessel is driving under the influence of alcohol or under the influence of a controlled substance in violation of this section, the law enforcement officer is authorized to administer and may test the operator, at the scene, by using a field breathalyzer or other approved device, as a screening device, to determine if the operator may be operating a vessel or device in violation of subsection (a) of this section. Refusal to submit to a field breathalyzer test or other approved testing device shall result in the same punishment as provided in Section 32-5A-192(c) for operators of motor vehicles on the state highways. No field breathalyzer test shall be administered where the operator is stopped for violations other than for Section 32-5A-191.

Redesignate subsequent subsections accordingly.

CONFERENCE REPORT

On motion of Senator Dial, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penal-

ties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices for all persons eight years and under, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

Yeas 30 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -30

Nays:

Senators:

Corbett and Dixon - 2

DISSENT OF THE SENATE

Senator Corbett offered the following Dissent of the Senate, to-wit:

DISSENT FROM PASSAGE OF SB 280 PURSUANT TO SECTION 55 OF THE CONSTITUTION OF ALABAMA OF 1901

Senator Corbett dissents from the final passage of SB 280 relating to boating because the revenue from any arrest and conviction under the bill is earmarked for the operation of the department creating a bias in the arresting officer in the arrest and prosecution of offenses under the bill.

Senator Corbett request that his dissent be entered on the Journal pursuant to Section 55 of the Constitution of Alabama of 1901.

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 200. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 200

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 200, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

SETH HAMMETT,
TAYLOR HARPER,
ALVIN HOLMES,

Conferees on the part of the House.

RYAN DEGRAFFENRIED,
DON HALE,
FRED HORN,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 200

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation for the support and maintenance of the

Special Schools for Special Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$2,726,269 out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

- (a) Butler Activity and Training Center for the Mentally Retarded in Greenville 27,151
- (b) Hope Haven School in Colbert County 36,201
- (c) Montgomery Institute of Neurological Development 31,676
- (d) Marion Bankhead Grant Center 61,000
- (e) Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled 54,302
- (f) Alice Pigman School 113,129
- (g) Achievement Center, Opelika 10,000
- (h) Merle Wallace Purvis Center 75,000
- (i) McGraw Activity Center 160,000
- (j) Dallas County Day Care and Training Center 44,302
- (k) Brierfield Learning Center, Bibb County 13,200
- (l) Calhoun County Community - "EDUCATION PAR EXCELLENCE" 110,503
- (m) North Talladega County Association for Retarded Citizens, Inc. 27,151
- (n) South Talladega County Association for Retarded Citizens, Inc. 27,151

REGULAR SESSION
28th Day

2709

(o) Epic School, Birmingham	35,200
(p) ECHO FOUNDATION	50,000
(q) Vivian B. Adams School	257,595
(r) McInnis School of Montgomery	397,309
(s) Twenty First Century Youth Leadership Training Project	50,000
(t) Alan Cott School	93,671
(u) Children's Hands-On Museum in Tuscaloosa	140,503
(v) Madison County Opportunities Center	45,252
(w) Hope Project, formerly the Madison Park Hope Center	57,443
(x) Dee Day School - Cherokee County	27,151
(y) McKinney Learning Center	27,151
(z) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	60,000
(aa) Valley Haven School	57,581
(bb) Russellville City School for Multi-Handicapped Children	36,201
(cc) North Alabama Center for Educational Excellence, formerly North Alabama Education Opportunities Center	4,525
(dd) Randolph County Learning Center	21,721
(ee) Quest for Excellence	100,000
(ff) Louise Smith Development Center	20,000
(gg) Jackson County ARC Achievement Center	50,000
(hh) Mobile ARC	87,000
(ii) Lee Scan - of Lee County	15,200

(jj) Governor's School-Samford University	25,000
(kk) Cullman County Center for the Developmentally Disabled	150,000
(ll) ARC of Blount County	25,000
(mm) Clark Smeltzer Training Center of Gadsden	25,000
(nn) Adam Bishop Center at Northwest Alabama Child Care Services	27,000
(oo) Southern Normal School	50,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This act shall become effective on October 1, 1994.

And said Bill, HB 200, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 200, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 200, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 239. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Cattlemen's Association for the Children's Museum to be used for educational purposes for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 239

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 239, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

TAYLOR HARPER,
SETH HAMMETT,

Conferees on the part of the House.

RYAN DEGRAFFENRIED,
FRED HORN,
DON HALE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 239**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Cattlemen's Association for the Children's Museum and to the Wiregrass Museum of Art to be used for educational purposes for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated the sum of \$500,000 from the Alabama Special Educational Trust Fund, to the Alabama Cattlemen's Association for the Children's Museum and \$185,000 from the Alabama Special Educational Trust Fund to the Wiregrass Museum of Art for educational purposes.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

And said Bill, HB 239, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 239, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 239, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 241

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 241, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

DEWAYNE FREEMAN,
BILL FULLER,
TIM PARKER,

Conferees on the part of the House.

CRUM FOSHEE,
DELL HILL,
MAC PARSONS,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 241

A BILL
TO BE ENTITLED
AN ACT

Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following words and phrases shall have the following meanings:

(1) **DESIGNATED MENTAL HEALTH FACILITY.** A mental health facility other than a state mental health facility designated by the State Department of Mental Health and Mental Retardation to receive persons for evaluation, examination, admission, detention, or treatment pursuant to the commitment process.

(2) **COMMUNITY MENTAL HEALTH OFFICER.** A person who acts as a liaison between law enforcement and the general public, and who is regularly employed by a municipality within the county or regularly employed by the county commission or any public body or agency, including the State Department of Mental Health and Mental Retardation. A community mental health officer may be employed jointly or in combination by two or more governments, entities, or agencies authorized by the immediately preceding sentence. Notwithstanding the foregoing, a community mental health officer shall not be an employee of the Department of Human Resources. A community mental health officer shall possess a minimum of a Bachelor's Degree from an accredited college or university in social work or a related field or, with the approval pursuant to findings of the judge of probate, any equivalent combination of education and experience; at least one year of experience in social work; knowledge of the principles, practices, and techniques of social work as they apply to crisis intervention; knowledge of theory, principles, and practices of psychiatric social work; knowledge of federal, state, and municipal laws regarding the aiding of mental patients; and knowledge of the functions and resources of public and private social agencies in the community. The compensation of the community mental health officer shall be determined by the employing en-

tity, entities, or agency. The State Department of Mental Health and Mental Retardation may pay part or all of the compensation, including fringe benefits, of the community mental health officer employed hereunder.

(3) COUNTY. A county in the State of Alabama.

(4) LAW ENFORCEMENT OFFICER. A policeman regularly employed by a municipality within the county or a sheriff or deputy sheriff regularly employed by the county.

(5) WITHIN THE COUNTY. A place within the boundaries of the county.

Section 2. (a) When a law enforcement officer is confronted by circumstances and has reasonable cause for believing that a person within the county is mentally ill and also believes that the person is likely to be of immediate danger to self or others, the law enforcement officer shall contact a community mental health officer. The community mental health officer shall join the law enforcement officer at the scene and location of the person to assess conditions and determine if the person needs the attention, specialized care, and services of a designated mental health facility. If the community mental health officer determines from the conditions, symptoms, and behavior that the person appears to be mentally ill and poses an immediate danger to self or others, the law enforcement officer shall take the person into custody and, together with the community mental health officer, deliver the person directly to the designated mental health facility. At the designated mental health facility, a responsible employee of the facility who is on duty and in charge of admissions to the facility shall be informed by the community mental health officer that the person in custody appears to be mentally ill and is in need of examination and observation.

(b) The employee of the designated mental health facility shall immediately notify an appropriate staff member of the facility who conducts diagnoses and evaluations that an alleged mentally ill person has been received at the facility. The staff member shall immediately perform an initial examination and observation which, coupled with whatever other information concerning the person's behavior as may be available, will allow the staff member to make a determination as to whether to admit the person to the designated mental health facility as a tentatively diagnosed mentally ill patient for further observation and attention. Notwithstanding anything in this act to the contrary, before any person is admitted to a licensed hospital pursuant to this act, the person shall be examined and evaluated by a psychiatrist or other physician licensed to practice medicine and authorized by the hospital medical staff bylaws of the licensed hospital to admit patients for the treatment of mental or emotional illnesses. All ad-

missions to a licensed hospital authorized under this act shall be made only in conformity with established policies, procedures, and the medical staff bylaws of the licensed hospital to which the person is admitted. No provision of this act shall be construed to authorize or permit any person not licensed to practice medicine to perform any act or render any service which constitutes the practice of medicine.

(c) Upon a determination by the staff member that the person does not require admission to the designated mental health facility, the staff member shall so advise the community mental health officer. The community mental health officer shall promptly communicate this information to the law enforcement officer who shall cause the person to be released from the designated mental health facility. The law enforcement officer shall then release the person unless the law enforcement officer has some legal cause for detaining the person other than the person's mental condition. After the person is released, and, if so requested by the person, the law enforcement officer shall deliver the person to the person's residence or other place of abode if it is within the county.

(d) Upon a determination by the staff member that the alleged mentally ill person should be admitted to the designated mental health facility, the staff member shall proceed with admission of the person to the facility. The staff member shall also advise the community mental health officer who shall promptly communicate this information to the law enforcement officer. The community mental health officer shall effectuate the filing of a petition for commitment with the probate court on the person by parties in interest. If no one comes forward to timely file the petition, the community mental health officer shall file the petition in his or her official capacity no later than the second business day following the date of admission.

(e) No later than the next business day following the date of admission, the staff member shall notify the judge of probate, or the probate clerk of the county, of the admission to the designated mental health facility of the alleged mentally ill person. The judge of probate or the probate clerk shall arrange a probable cause hearing to determine if the detention of the alleged mentally ill person is based upon probable cause to believe that confinement is necessary under constitutionally proper standards for commitment or alternate modes of treatment and if the detention should continue until a final hearing on the merits can be held. In the case where a community mental health officer has acted in helping gain the admission of the alleged mentally ill person to a designated mental health facility for initial examination and observation, the judge of probate shall interview the alleged mentally ill person pursuant to this section no later than the fifth business day next after admission to the designated mental health facility or hospital.

(f) Prior to the probable cause hearing the probate court shall furnish adequate notice informing the person, or his or her counsel, of the time and place of the hearing and of the factual grounds upon which the proposed commitment is predicated and the reasons for the necessity of confinement. The probate court shall require that the alleged mentally ill person be represented by counsel at the hearing, which counsel shall be appointed by the court if necessary. The probate court shall require the presence of the alleged mentally ill person at the hearing unless his or her presence is waived by counsel and approved by the court after an adversary hearing at the conclusion of which the court judicially finds and determines that the person is so mentally or physically ill as to be incapable of attending the probable cause hearing. In no event may detention in the absence of a petition for commitment and a probable cause hearing exceed seven days from the date of the initial confinement under this act. If the court finds and determines that there is no probable cause to detain the person, the court shall immediately cause the person to be discharged and released from the designated mental health facility. Notwithstanding the foregoing, if criminal charges have been placed against the individual and the health care facility has been so notified by an appropriate law enforcement officer, the designated mental health facility shall release the person into the custody of the appropriate law enforcement officer.

(g) If the court determines there is probable cause to detain the person pending a full hearing on the need for commitment or some alternate mode of treatment, the court shall issue a mittimus or commitment of the person to the designated mental health facility until the proceedings may be held in accordance with law. Notwithstanding the foregoing, the proceedings shall be held within a reasonable time following initial detention, but in no event sooner than will permit adequate preparation of the case by counsel, or later than 30 days from the date of the initial detention.

Section 3. This act shall not be applicable to any county unless and until the judge of probate with the approval of the county commission of that particular county makes a finding that there exists in the county provisions for implementation of the community mental health officer program and the necessary facilities to detain persons pursuant to this act. In that event, the judge of probate shall open a case under a docket number and enter therein findings upon the records of the court which shall also expressly state the intention thereby to invoke this act. Notification and a copy of the court's findings and statement shall be served on all designated mental health facilities located within the county, all law enforcement agencies within the county, the Commissioner of the State Department of Mental Health and Mental Retardation, the State Attorney General, the Secretary of State, the Governor of the State of Alabama, and any other persons deemed appropriate by the judge of probate. In the event of changed cir-

cumstances, the judge of probate may terminate the procedures set forth in Section 2, and shall make findings accordingly and serve the parties named herein and others previously notified.

Section 4. No county shall be required to pay costs associated with the temporary confinement or commitment of a person to a designated mental health facility, including, but not limited to, the cost of housing and treatment. All costs associated with a probable cause hearing, including cost of counsel, shall be paid by the State General Fund upon order of the judge of probate; except, that if the petition is denied and the petitioner is not indigent and is not a law enforcement officer or other public official acting within the line and scope of his or her duties, all costs may be taxed against the petitioner, or if the petition is granted and the person sought to be committed is not indigent, the judge of probate may order all costs paid from the estate of the person committed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 241, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 241, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 241, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

RESOLUTION

Senators Denton, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 145. RECOGNIZING MAC PARSONS OF HUEYTOWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, in his first elective office, our colleague, Mac Parsons of Hueytown, joined the State Legislature as a member of the Alabama Senate from Jefferson County for the 1979-1983 term; and

WHEREAS, Senator Parsons, since that time, has been faithful to his promise, "I shall return," and is currently serving his fourth consecutive term, having most ably represented his Jefferson County constituents, and in the best interest of the State of Alabama, for the past 16 years; and

WHEREAS, during his legislative tenure, Senator Parsons has provided outstanding service and leadership as Chairman of the Education and the Judiciary/Civil Committees; Vice Chairman of the Rules and Local Legislation No. 2 Committees; as a member of such other committees as Judiciary, Governmental Affairs, Business and Labor Relations, Consumer Affairs and Economic Affairs; and, by appointment, on a number of interim committees; and

WHEREAS, Mr. Parsons, who has chosen not to seek election to a fifth legislative term, is a graduate of the Birmingham School of Law, and a practicing attorney; he also is a Mason, and a member of North Highlands Baptist Church, Bessemer Chamber of Commerce, and the Hueytown Quarterback Club, as well as a number of professional associations, and is a former member of the United States Army Reserve; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and colleague, Mac Parsons, for outstanding service to the Alabama Legislature and the State of Alabama for the past sixteen years, and do further direct that he receive a copy of this resolution of sincere regard, with best wishes for continuing success in all future pursuits and endeavors.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 812. To amend Section 4 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making supplemental appropriations to the Alabama Department of Economic and Community Affairs; to remove the condition that supplemental appropriations be made in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program; and to repeal Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 812

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 812, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

Respectfully submitted,

JAMES S. CLARK,
TAYLOR HARPER,

Conferees on the part of the House.

LOWELL BARRON,
WALTER OWENS,
E. CRUM FOSHEE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 812

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 and Section 4 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making supplemental appropriations to the Alabama Department of Economic and Community Affairs; to remove the condition that supplemental appropriations be made in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program; and to repeal Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 3 of Act No. 93-190, H. 246 of Code of Alabama 1975, is amended to read as follows:

“Section 3. In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is appropriated to the department from the State General Fund the sum of \$50,000 for the fiscal year ending September 30, 1993 and the sum of ~~\$629,321~~ \$794,321 for the fiscal year ending September 30, 1994. Of the above appropriation, \$165,000 shall be expended for a statewide emergency warning system.”

Section 2. Section 4 of Act No. 93-190, H. 246 of the Code of Alabama 1975, is amended to read as follows:

“Section 4. The appropriations provided to the Alabama Department of Economic and Community Affairs in Section 3 of this act shall be expended for a planning program ~~in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program and to administer and match those funds.~~ In addition to the funds appropriated in Section 3, the department may also expend funds otherwise appropriated to it for the same purposes.”

Section 3. Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations

contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program is specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 812, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 812, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Barron, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 812, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as

to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Sanders, the Senate concurred in and adopted the following House amendment to the Bill, SB 37, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 37

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 35 miles per hour except as otherwise provided.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-5A-171, Code of Alabama 1975, is hereby amended to read as follows:

“§32-5A-171.

“Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of ~~such~~ the maximum limits.

“(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

“(2) No person shall operate a motor vehicle in excess of 35 miles per hour on any unpaved road. For purposes of this chapter the term ‘unpaved road’ shall mean any highway under the jurisdiction of any county, the surface of which consists of natural earth, mixed soil, stabilized soil,

aggregate, crushed sea shells, or similar materials without the use of asphalt, cement, or similar binders.

“(3) ~~(2)~~ No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision ~~(5)~~ (6).

“(4) ~~(3)~~ No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside ~~such~~ urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision ~~(5)~~ (6) ~~hereof~~.

“(5) ~~(4)~~ Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck, or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck, or bus prominently displays a current decal, plate, or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck, or bus is carrying or transporting ~~such the~~ vehicle, truck, or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision ~~(5)~~ (6).

“(6) ~~(5)~~ The governor is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

“(7) ~~(6)~~ The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32- 5A-173.”

Section 2. Section 32-5A-173, Code of Alabama 1975, is hereby amended to read as follows:

“§32-5A-173.

“(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part

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of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

“(1) Decreases the limit at intersections;

“(2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the governor under subdivision ~~(4)~~ (6) of section 32-5A-171;

“(3) Decreases the limit on any street, unpaved road, or highway under the jurisdiction and control of any county commission or; or

“(4) Increases the limit on any street, unpaved road, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under subdivision (3) or by the Governor under subdivision (6) of section 32-5A-171.

“(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

“(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon ~~such~~ the street or highway.

“(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until ~~such~~ the alteration has been approved by the highway department.

“(e) Not more than six ~~such~~ alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour.”

Section 3. The provisions of this amendatory act shall become effective on December 1, 1994.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford,

Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B),
Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 125. To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for six pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Senate concurred in and adopted the following House amendment to the Bill, SB 125, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 125

A BILL TO BE ENTITLED AN ACT

To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for six pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created within the State Treasury a fund, designated the Education Technology Fund, hereinafter referred to as the Fund. The State Superintendent of Education shall authorize the expenditure of monies within the Fund, upon the approval of the State Board of Education. Receipts to the Fund shall include, but shall not be limited to the following: 1) appropriations made at the discretion of the Legislature;

2) grant funds; 3) donations and contributions; 4) federal funds; and 5) appropriations made by local governments. At the end of any fiscal year, unexpended monies remaining in the Fund shall not revert but shall remain available for appropriation. The expenditure of monies in the Fund shall be subject to appropriation by the Legislature and subject to the provisions of the Budget Management Act, Sections 41-19-1 through 41-19-12, Code of Alabama 1975. The State Board of Education shall ensure that expenditures made from the Education Technology Fund shall be based on educational need and shall be made in an equitable manner.

Section 2. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Education Technology Fund, the sum of \$1,970,000 for the fiscal year ending September 30, 1994, to be expended for pilot programs to augment the science curriculum in school year 1994-95. Such pilot programs shall be six Science In Motion networks, consisting of one fully-equipped chemistry van and one fully-equipped physics or biology van for each of the six networks.

Section 3. It is the intent of the Legislature that the State Board of Education ensure that there shall be at least one Science In Motion network that serves schools in the Blackbelt counties and one network that serves a significant number of inner city schools. It is further the intent of the Legislature that the appropriation made in Section 2 of this act include funding for the necessary certificated personnel, twelve vans with modifications, the scientific equipment, supplies, operating expenses, in-service training, travel necessary for the implementation of the pilot programs and recordkeeping and documentation related to the pilot programs. The State Superintendent of Education shall also initiate the preparation of requests for grant funds from governmental, corporate or private sources for the Science In Motion program in this state.

Section 4. The State Board of Education may adopt rules and regulations necessary for the implementation of this act.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 329. To amend Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4, 9-12-54.5, 9-12-54.6, 9-12-54.7, and 9-12-93 by regulating further bait shrimpers, as to poundage, location of shrimp catches, and licensing restrictions.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Windom, the Senate concurred in and adopted the following House amendment to the Bill, SB 329, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 329

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4, 9-12-54.5, 9-12-54.6, 9-12-54.7, and 9-12-93 by regulating further bait shrimpers, as to poundage, location of shrimp catches, and licensing restrictions, and prescribing certain criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4,

9-12-54.5, 9-12-54.6, 9-12-54.7, and 9-12-93, Code of Alabama 1975, are amended to read as follows:

“§9-12-54.1.

“Before any person, firm, or corporation engages in the taking, catching, transporting, or selling of live saltwater shrimp or other live bait for commercial bait purposes, he or she ~~must~~ shall have in his or her possession a live bait shrimp dealers license. ~~Said~~ The license shall be sold and issued by the department of conservation and natural resources to any live bait shrimp dealer upon payment of a fee of ~~\$50.00~~ fifty dollars (\$50), which shall entitle ~~him~~ the person to sell live shrimp or other live bait from a place of business and operate one boat ~~or~~ and truck, or ~~\$100.00~~ one hundred dollars (\$100) for the right to sell live shrimp or other live bait from a place of business and operate two boats ~~or~~ and two trucks. Detailed records of transactions involving shrimp shall be maintained at the place of business by seafood dealer licensees and by live bait shrimp dealers who are party to the transaction. The records shall include the name and address of the seller, the date and time of purchase, the amount of purchase (by poundage of purchase), price paid per pound, and shrimp size. Transactions on sales of purchased shrimp shall be totaled daily. These records shall be immediately available for inspection by the Department of Conservation and Natural Resources and shall be maintained for a minimum of 30 days. If the licensee or dealer fails to keep these records, the licensee or dealer is subject to the penalties set forth in Section 9-12-54.7. If the licensee or dealer is found to have kept fraudulent records, the licensee or dealer shall be guilty of a Class A misdemeanor. The department of conservation and natural resources shall not issue a live bait shrimp dealers license until the applicant has furnished to the commissioner of conservation and natural resources such information as the commissioner may prescribe showing that the applicant has the necessary equipment and facilities to properly keep shrimp alive for sale as bait. The commissioner, before the issuance of a license, shall cause an inspection of the applicant's gear and equipment, place of business, ~~and~~ truck, or vessel of the applicant to ascertain if ~~same~~ they meet the requirements for keeping bait shrimp alive. The live bait shrimp dealers license may be revoked at any time during the issuing year that an agent of the commissioner of conservation and natural resources finds that equipment, gear, truck, or vessel of the licensee no longer meets the minimum requirements for keeping shrimp alive for sale as bait. Any person who sells, exchanges, barter, or attempts to sell, barter, exchange, or otherwise dispose of live shrimp or other live bait, shall be in violation of sections 9-12-54.1 through 9-12-54.7 unless he or she first purchases the annual live bait shrimp dealers license.”

“§9-12-54.2.

"All licenses required herein shall expire on the 30th day of September of each year and shall be purchased between October 1 and December 31 of each year. All receipts shall be deposited to the marine resources fund. Nonresidents shall pay a license fee double that of citizens of the state of Alabama equal to that charged Alabama residents to conduct the same activity in the state of residence of the applicant and in no event less than double that of citizens of the State of Alabama."

"§9-12-54.3.

"Each live bait licensee shall furnish the marine resources division of the department of conservation and natural resources with the Alabama marine police registration number of the boat or boats and the tag number of the truck or trucks he or she designates to use as a licensee hereunder. Boats licensed for live bait may not be licensed as commercial shrimping vessels in that license year. A live bait licensee hereunder shall not substitute another boat or truck unless he gives a two-week written notice to without first having the boat or truck inspected and approved by the marine resources division of the department of conservation and natural resources of same. Each bait catcher boat shall contain the words 'live bait' in letters at least six inches high on the port and starboard sides."

"§9-12-54.4.

"Licensed live bait catcher boats may take or catch, or attempt to take or catch, bait shrimp of any size in any waters of the state south of the mouth of the Mobile river and the Battleship parkway not permanently closed to commercial shrimping. Licensed live bait catchers may take or catch, or attempt to take or catch, shrimp from 4:00 o'clock a.m. until 10:00 o'clock p.m. in areas closed to commercial shrimping. Such The shrimp shall not be taken with any seine or trawl having a width greater than 16 feet as measured at the cork line or main top line when any area, other than areas permanently closed to shrimping by statute or regulation, is closed to commercial shrimping and in designated exclusive bait areas. Shrimp can be sold only when alive or with heads attached. No holder of a live bait shrimp dealers license shall have on his boat more than 15 pounds of dead shrimp. Dead shrimp must be packaged and sold with head attached in lots of no more than one pound. No holder of a live bait shrimp license shall have in his or her possession pursuant to such license more than one standard shrimp basket (measuring 17 inches in diameter at the top, 13.5 inches at the bottom and 14 inches in height) of shrimp live or dead per boat or truck and no more than three standard shrimp baskets per place of business and such shrimp shall be sold only as bait,"

"§9-12-54.5.

"Persons without a live bait shrimp dealers license can use trawls of 16 feet or less to catch or attempt to catch saltwater shrimp for bait or noncommercial purposes not to exceed 25 pounds per person per day only at the same time and in the waters open to commercial shrimping. Persons with a recreational boat shrimping license may use a trawl having a width of 16 feet or less as measured at the cork line to catch, or attempt to catch, saltwater shrimp for bait or noncommercial purposes not to exceed five gallons of shrimp per person per day only at the same time and in the waters open to commercial shrimping."

"§9-12-54.6.

"All rivers, bayous, and creeks of the state are permanently closed to the taking of saltwater shrimp for any purpose. Wolf Bay, that area encompassing the water within the boundary from the south shore of Wolf Bay northward to Beacon #86 on the north side of the Gulf Intracoastal Waterway then westward along the north side of the Gulf Intracoastal Waterway to Beacon #94 then south across the Gulf Intracoastal Waterway to the south shore of Wolf Bay; Oyster Bay, that area encompassing the waters of Oyster Bay except those waters north of the Gulf Intracoastal Waterway; that area encompassing those waters in the mouth of the Blakely River between the I-10 bridge and the Highway 90 (old causeway) bridge; Terry Cove (Baldwin county); and Arlington Channel; East Fowl River from Beacon 5 and 6 to the mouth of the river; Bayou La Batre Channel from Bayou La Batre Channel B.C. Beacon to the mouth of Bayou La Batre; and Dauphin Island Bay (Mobile county) shall be designated as exclusive bait shrimping areas and shall remain open to licensed and ~~unlicensed~~ recreational live bait shrimping year around during the hours of 4:00 o'clock a.m. until 10:00 o'clock p.m. provided that said the shrimping activity complies with all other statutes contained in this chapter and regulations promulgated by the commissioner of the department of conservation and natural resources concerning said shrimping activity."

"§9-12-54.7.

"Violation of any of the provisions hereof by any person or persons shall be an offense against the state of Alabama, and violators shall, upon conviction, be fined not less than ~~\$100.00~~ two hundred fifty dollars (\$250) nor more than ~~\$500.00~~ five hundred dollars (\$500) for the first offense. For a subsequent offense occurring within 12 months of the first offense, the violator shall, upon conviction, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and the live bait dealer's license shall be suspended by the Department of Conservation and Natural Resources for six months. Licenses of live bait dealers shall be revoked forthwith upon conviction of violations of sections 9-12-54.1 through

~~9-12-54.6. The department of conservation and natural resources shall not issue another license to such licensee, truck, boat, or place of business for a period of six months after such conviction."~~

"§9-12-93.

"It shall be unlawful for any person to use any boat for the purpose of drawing a seine or trawl used in catching shrimp or hauling or carrying shrimp without first having secured an annual license due and payable on or before the opening date of the season as set by the commissioner of conservation and natural resources in each and every year as follows: For each and every boat owned by a resident of this state, there shall be an annual license fee of ~~\$50.00~~ fifty dollars (\$50) for commercial boats under 30 feet in length, ~~\$75.00~~ seventy-five dollars (\$75) for commercial boats from 30 to 45 feet in length, ~~\$100.00~~ one hundred dollars (\$100) on commercial boats over 45 feet in length, and ~~\$15.00~~ fifteen dollars (\$15) on all recreational boats regardless of length. Recreational boats can use trawls of 16 feet or less as measured at the cork line or main top line to catch, or attempt to catch, shrimp for bait or noncommercial purposes, not to exceed ~~25 pounds~~ five gallons per person aboard per day only at the same time and in waters open to commercial shrimping. Nonresidents shall pay a license fee equal to that paid by Alabama residents or boats to shrimp in their state but no less than double the amount provided for above, except where ~~such~~ a nonresident is a resident of a state which has a reciprocal fishing agreement with the state of Alabama where ~~such~~ the state does not itself charge residents of Alabama license fees in excess of those charged residents of that state. All proceeds from licenses under this section shall be placed to the credit of the marine resources fund."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-31

Nays:

- 0

BILLS ON THIRD READING RESUMED

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill:

H. 430. To make a supplemental appropriation for the sum of thirty thousand dollars (\$30,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

And said Bill, HB 430, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill:

H. 755. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Houston County; and repealing Act No. 93-333, H. 717 of the 1993 Regular Session.

And said Bill, HB 755, was read a third time at length as required by the Constitution and passed.

Yeas 22 Nays 1
Abstaining 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Corbett, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -22

Nay: Senator Mitchell

- 1

Abstaining: Senator Little

- 1

Senator Horn requested and received permission to suspend the Rules in order to bring up the Bill:

H. 502. To amend Section 12-17-94, Code of Alabama 1975, relating to the duties of the circuit clerks; to provide an additional duty of monitoring court orders directed at criminal defendants relating to fines, court costs, and other court-ordered monies; and to make a conditional appropriation to the Unified Judicial System.

And said Bill, HB 502, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill:

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

Senator Mitchell offered the following substitute for the Bill, HB 474, to-wit:

SUBSTITUTE FOR HB 474

A BILL TO BE ENTITLED AN ACT

Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts, and reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was

financed by a federal grant and providing for a termination date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any active and contributing member of the Employees' Retirement System may purchase credit in the Employees' Retirement System for prior service with the Alabama State Council on the Arts if the member has not received credit in the system for the same prior service and has not vested or otherwise become eligible to receive a retirement benefit by using the same prior service credit in another pension plan offered by the council.

Section 2. A member of the Employees' Retirement System who is eligible to purchase any prior service credit under Section 1 of this act shall receive the credit if he or she pays into the system on or before his or her date of retirement, an amount of five percent of the greater of the member's current annual earnable compensation or average final compensation, whichever is greater, as determined by the actuary for the system, for the entire period of prior service claimed, or any portion thereof, plus eight percent compounded interest thereon through the date of repayment, for each year of prior service purchased. Prior service may be purchased only in yearly increments of at least two years at a time. At the same time that the employee makes his or her payment for the prior service credit, he or she shall also remit to the Employees' Retirement System the employer's share of the cost for the prior service credit being purchased, plus eight percent compounded interest thereon through the date of repayment, as determined by the actuary for the system.

Section 3. An active and contributing member of the Employees' or Teachers' Retirement System who has been a member of the system for at least 10 years, may claim and purchase credit not to exceed three years in his or her respective retirement system for prior service rendered while employed in a program in the office of a local district attorney which was financed at the time the service was rendered by a federal grant if the member complies with the provisions set forth in Section 4 of this act.

Section 4. Each person eligible to claim and purchase the credit for service under Section 3 of this act shall be awarded creditable service under the Employees' Retirement System or Teachers' Retirement System provided he or she shall pay into the retirement system, prior to October 1, 1995, a lump sum equal to the percentage of his or her current annual earnable compensation, or final average compensation, whichever is greater, for each year of service credit purchased; the current annual earnable compensation or final average compensation, whichever is greater, shall be

the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation.

Section 5. This act shall become effective on October 1, 1994, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

And said Bill, HB 474, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Box:

HJR 450. COMMENDING THE SENIOR MEMBERS OF THE SATSUMA HIGH SCHOOL BAND, SATSUMA, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 450, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Box:

HJR 429. COMMENDING THE DIRECTOR, CAST, AND CREW OF "BOYS AND GHOULS TOGETHER."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 429, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Box:

HJR 446. COMMENDING THE ADAMS MIDDLE SCHOOL BAND OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Lindsey:

HJR 448. COMMENDING O. L. "BUD" LEWIS OF BLANCHE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, HJR's 446 and 448, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mathis, Holley, Warren, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White, Williams, Willis, and Zoghby:

HJR 432. COMMENDING HAROLD BYRD WISE, GENEVA COUNTY, ON OUTSTANDING PUBLIC SERVICE AND RETIREMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 432, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Thomas, and Bryant:

HJR 437. COMMENDING MRS. SADIE MOSS OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Knight (A) and Smith (C):

HJR 438. COMMENDING SHAWNA SAULS OF THE UNIVERSITY OF MONTEVALLO FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Knight (A) and Smith (C):

HJR 439. COMMENDING SHEENA BOWLING OF THE UNIVERSITY OF MONTEVALLO FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, HJR's 437, 438, and 439, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Burke, Lindsey, and McDaniel:

HJR 435. DESIGNATING FORT PAYNE, ALABAMA, AS THE "OFFICIAL SOCK CAPITAL OF THE WORLD."

Also:

By Reps. Knight (A) and Smith (C):

HJR 440. COMMENDING JUDITH M. GREEN, COACH OF THE YEAR.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, HJR's 435 and 440, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Senator Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 146. COMMENDING DR. SARA CREWS FINLEY, RECIPIENT OF THE 1994 DISTINGUISHED ALUMNA AWARD OF THE UNIVERSITY OF ALABAMA.

WHEREAS, it is with the highest commendation that the Alabama Legislature recognizes Dr. Sara Crews Finley, recipient of the 1994 Distinguished Alumna award presented by the University of Alabama for her contributions to the University and the State of Alabama; and

WHEREAS, Dr. Finley, a native Alabamian from Lineville, received her Bachelor's Degree from the University in 1951 and her Medical Degree from its school of medicine in 1955; and

WHEREAS, upon completion of her internship at the Lloyd Noland Hospital in Birmingham, she received the National Institute of Health Fellowship in Pediatrics at the University of Alabama Hospital and in 1961, Sara and her husband, Dr. Wayne H. Finley, received a National Institute of Health traineeship to study medical genetics at the University of Upsala in Sweden; and

WHEREAS, upon completion of their studies in Sweden, they established the first Laboratory of Medical Genetics in the southeast at the University School of Medicine in Birmingham; and

WHEREAS, in 1986 the board of Trustees established the Wayne H. and Sara Crews Finley Chair in Medical Genetics at the University of

Alabama at Birmingham in recognition of their outstanding work and services, and Dr. Sara Finley was honored as the first holder of the chair; and

WHEREAS, Dr. Finley holds numerous appointments at the Medical School which includes, Senior Scientist in the Cystic Fibrosis Research Center; Associate Professor of Public Health and Epidemiology; Director, Clinical Division of Pediatric Genetics in the Department of Pediatrics; and serves as Co-director of the Center for Reproductive Health and Genetics; and

WHEREAS, Dr. Finley was named Distinguished Alumna of the School of Medicine in 1989 and one of the top ten women in Birmingham; and

WHEREAS, Drs. Wayne and Sara Finley were selected by the medical school as The Distinguished Faculty Lecturers for 1983; and

WHEREAS, Dr. Sara Finley was named in 1993 as one of the thirty-one outstanding Alumni in the history of the University of Alabama; and

WHEREAS, Dr. Sara Finley has received numerous honors and recognition which include, The National Outstanding Alumna Award from her sorority, Zeta Tau Alpha, and is the President-Elect of the Alumni Association of the University of Alabama School of Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby recognize and commend Dr. Sara Crews Finley as the 1994 Distinguished Alumna of the University of Alabama and for the many contributions she has made to the School of Medicine and the State of Alabama.

BE IT FURTHER RESOLVED, that we hereby recognize and commend both, Drs. Wayne and Sara Finley for their work in genetics and establishing the first Laboratory of Medical Genetics in the southeastern United States and for the many contributions each has made to the Medical School and the State of Alabama.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Dr. Sara Crews Finley as an expression of our appreciation for her dedication and professional services to the University of Alabama.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial and Hill requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 147. RECOGNIZING THE 25TH ANNIVERSARY OF THE TALLADEGA SUPERSPEEDWAY, AND MR. WILLIAM H. G. FRANCE.

WHEREAS, William H. G. (Big Bill) France selected Talladega County in the State of Alabama as the site to build the World's Fastest Speedway in the late 1960's; and

WHEREAS, the first major stock car race was held at the new Alabama International Motor Speedway on September 14, 1969; and

WHEREAS, the races at Talladega have brought national recognition to the city, county, area, and State of Alabama through newspaper, radio, television, and magazine coverage; and

WHEREAS, fans from all 50 states and several foreign countries attend races at what is now Talladega Superspeedway; and

WHEREAS, Talladega Superspeedway's two major events, in May and July, are the two largest sporting events in the State of Alabama; and

WHEREAS, annual attendance at Talladega Superspeedway's two race weekends is more than 350,000; and

WHEREAS, the statewide economic impact of the two major race weekends at Talladega Superspeedway have been estimated at \$150 million dollars annually; and

WHEREAS, Talladega Superspeedway now has all its racing events televised nationwide; and

WHEREAS, Harley-Davidson's southeastern test facility and the International Motorsports Hall of Fame & Museum are both located in Talladega as a direct result of the speedway's having been built there; and

WHEREAS, officials of Talladega Superspeedway have always been active participants in civic affairs and industrial recruiting for the Talladega area; and

WHEREAS, Talladega Superspeedway is celebrating its 25th Anniversary in 1994, and it is both appropriate and desirable that this note-

worthy event be acknowledged, and that Mr. France also be recognized for his instrumental role in the location of the Superspeedway in Talladega and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That we hereby recognize with highest commendation, the 25th Anniversary of the Talladega Superspeedway, and Mr. William H. G. (Big Bill) France, and we do further direct that copies of this resolution be provided for presentation to Mr. France, and for appropriate display at Talladega Superspeedway.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Corbett and Horn requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 148. EXPRESSING THE INTENT OF THE LEGISLATURE REGARDING EXPENDITURE OF THE \$150,000 APPROPRIATED FOR CAPITAL OUTLAY TO THE ALABAMA INDIAN AFFAIRS COMMISSION FROM THE STATE GENERAL FUND BY ACT 93-771.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill:

H. 730. To amend Section 11-43C-40, Code of Alabama 1975, to provide further for the appropriations for the salaries of personnel employed by the mayors of certain Class 5 Municipalities.

And said Bill, HB 730, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

THE BILL:

H. 75. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (B), Underwood, Waggoner, Wilson, and Windom

-25

Nays:

- 0

THE BILL:

H. 416. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner

-25

Nays:

- 0

THE BILL:

H. 490. To amend Section 11-52-3 of the Code of Alabama

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1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, HB 490, to- wit:

AMENDMENT TO HB 490

Amend HB 490, on Page 3, Line 26, after the word "section," by inserting the following:

"upon adoption of a resolution by the city council approving the act adding this clause."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

And said Bill, HB 490, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 539. To alter, rearrange and extend the boundary lines and corporate limits of the City of Graysville, Jefferson County, annexing certain territory to the city.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

THE BILL:

H. 607. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

THE BILL:

H. 418. Relating to Jefferson County; regulating the operation

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of tanning facilities; requiring the safe and sanitary operation of tanning devices; and prescribing civil and administrative penalties.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (B), Underwood, Waggoner, and Wilson
-25

Nays:

- 0

THE BILL:

H. 533. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that at a certain time the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, HB 533, to- wit:

SUBSTITUTE FOR HB 533

**A BILL
TO BE ENTITLED
AN ACT**

To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to the authority granted by Section 11-43-7.1, Code of Alabama 1975, the council or other governing body of any Class 1 municipality may grant to the members of the council or governing body, an additional amount of money monthly for expenses incurred by the members when attending to the business of the municipality within its corporate limits. The maximum amount of the additional expense allowance shall be three hundred thirty-three dollars and thirty-three cents (\$333.33) per month.

Section 2. Notwithstanding all other provisions of law, any council or governing body member may elect in writing to have the expense allowances authorized by Section 1 of this act and Section 11-43-7.1, Code of Alabama 1975, become subject to the withholding of any employee contribution required to be paid into the trust fund of any pension or retirement system in which the member is eligible to participate. A council or governing body member may also elect in writing, within 90 days of the effective date of this act, to pay into the pension or retirement system trust fund the required contribution on any expense allowances previously received by the member during all or any portion of the three year period prior to the member's payment election, together with interest at the rate of eight percent per annum thereon computed from the date of receipt of the allowance to the date of payment. If either or both of the elections is made by a member of the governing body or council, the expense allowances on which employee contributions are paid into the retirement plan trust fund shall be considered together with all salaries received by the member, from which the required employee contribution was likewise withheld and paid into the retirement trust fund, to determine the base amount on which any retirement benefits or allowances to which the council or governing body member may be entitled shall be computed as provided under the retirement system.

Section 3. The provisions of this act shall not be construed to prevent any member of the council or governing body from being reimbursed for actual expenses incurred by the member in connection with any travel on municipal business beyond the corporate limits of the municipality, and the amount incurred shall not accrue against the monetary amounts provided in Section 1 of this act, nor shall the reimbursement for the amount incurred be eligible for pension system withholding or be considered in determining pension or retirement benefits or allowances.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

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Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

Senators:

Amari, Underwood, and Waggoner - 3

And said Bill, HB 533, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Wilson, and Windom -25

Nays:

Senators:

Amari, Underwood, and Waggoner - 3

BILLS ON THIRD READING RESUMED

THE BILL:

H. 446. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

was read a third time at length and passed.

Yeas 25 Nays 2

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

Senators:

Amari and Underwood - 2

THE BILL:

H. 447. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

was read a third time at length and passed.

Yeas 25 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

Senators:

Amari, Underwood, and Waggoner

- 3

THE BILL:

H. 829. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial Circuit; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library; and to provide that the costs and charges collected be placed in a "Treatment to Alternative Street Crime Fund" and to provide for distribution of the funds.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, HB 829, to- wit:

AMENDMENT TO HB 829

Amend HB 829, on Page 2, Line 11, as follows:

by deleting the word "court" and inserting in lieu thereof the following:

"courts in the Birmingham Division"

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On motion of Senator Waggoner, said amendment was laid on the table.

And said Bill, HB 829, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 325. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 856. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain ex-

pense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom -25

Nay: Senator Amari

- 1

THE BILL:

H. 759. Relating to retirement or participant benefits and spouse's or survivor's benefits paid by certain pension, relief, or retirement systems of Class 1 municipalities to persons who are covered under the Policemen's Pension and Relief Fund provided by Act No. 502 of the 1923 Session of the Legislature, as amended, the Fireman's Pension and Relief Fund provided by Act No. 307 of the 1943 Session of the Legislature, as amended, the Separate Policeman's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature, as amended, or the Separate Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature, as amended, to provide further for certain minimum monthly benefits payable under the systems to certain persons.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

THE BILL:

H. 825. To provide that the sheriff of Montgomery County, at

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his or her discretion, may provide a retiring officer his badge and pistol.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Owens, Parsons, Smith (J), Underwood, Waggoner, and Wilson-25

Nays:

- 0

THE BILL:

H. 882. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Napier Field in Dale County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Horn, Langford, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, and Wilson
-25

Nays:

- 0

THE BILL:

H. 904. Relating to Blount County; to further provide for the compensation of the judge of probate.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchem, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 906. Relating to Shelby County; to impose a fee on the privilege of engaging in the business of buying, selling, or renting real property in the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, and Waggoner -25

Nays:

- 0

THE BILL:

H. 908. Relating to Elmore County; to provide for the speed limit on unpaved county roads.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

THE BILL:

H. 910. Relating to the Twenty-eighth Judicial Circuit of Alabama by authorizing the district attorney to establish a Restitution Recovery Division within the office of the district attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to

provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (B), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

THE BILL:

H. 922. Relating to Dallas County; to provide for the distribution of beer tax revenue collected in the corporate limits and police jurisdiction of the Town of Orrville.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

THE BILL:

H. 923. Relating to Dallas County; providing for an additional special transaction fee on certain public business filed and transacted in the office of the revenue commissioner; and providing for disposition of funds from the additional fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial,

Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 924. Relating to Dallas County; providing further for the salary of the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 925. Relating to Dallas County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from storage, gasoline and motor fuel in Dallas County in an amount not to exceed two cents (\$0.02) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; and to fix the penalty for the violation of this act.

was taken up.

Senator Owens offered the following amendment to the Bill, HB 925, to-wit:

AMENDMENT TO HB 925

Page 2, line 7, delete: "and not in interstate commerce"

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Page 2, line 8, following "trade" insert: ", but shall not apply to any transaction by the distributor in interstate commerce"

Page 3, line 10, following "refinery" insert: ", located in Dallas County,"

Page 5, line 12, delete "two" and insert therein: "three"

Page 6, line 14, delete "may" and insert therein: "it shall have the right itself, or its members or its agents to"

Page 6, line 20, following "act." insert therein: "Provided that collection of the tax imposed herein, by the State Department of Revenue, shall commence on the first day of the third month following the receipt of the resolution from the Dallas County Commission directing the Department to collect the tax."

Page 7, line 6, delete "25" and insert therein: "10"

Page 7, line 7, following "due" insert therein: ", along with interest calculated according to the rate(s) established under section 40-1-44 of the Code of Alabama 1975"

Page 8, line 7, following "which is" delete "be"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom
-25

Nays:

- 0

And said Bill, HB 925, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little,

Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, and Waggoner -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 929. Relating to Monroe County; providing for an additional expense allowance and salary for the coroner.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 930. Relating to Sumter County; to amend Section 2 of Act No. 90-612, H. 961, 1990 Regular Session (Acts 1990, p. 1124), relating to hazardous waste disposal fees; to provide that the trustees may invest the proceeds from the fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 931. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Gainesville in Sumter County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Wilson, and Windom
-25

Nays: - 0

THE BILL:

H. 920. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, and Wilson
-25

Nays: - 0

RECESS

At 12:30 P.M., on motion of Senator Foshee, the Senate took a recess until 1:30 P.M..

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF HB 213

The Senate proceeded to further consideration of the Bill:

H. 213. To make an appropriation to the Project DARE and the

DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, and having been postponed on the Twenty-Fifth Legislative Day.

Senator Hale offered the following substitute No. 2 for the Bill, HB 213, as amended, to-wit:

SUBSTITUTE NO. 2 FOR HB 213, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of five hundred eighty-nine thousand three hundred and thirty-nine dollars (\$589,339), out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the following drug education programs:

(a) Project DARE - Huntsville	300,346
(b) Project DARE - Birmingham	162,673
(c) Project DARE - Bessemer	26,320
(d) Project DARE - Vestavia Hills.	15,000
(e) Project DARE - Hoover	15,000
(f) DON'T - Madison County	50,000
(g) Project DARE - Northeast Alabama	20,000

Section 2. The above appropriated funds are to be expended for instruction and materials related to drug education in the public schools.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective on October 1, 1994.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Underwood, and Windom -18

Nays:

- 0

And said Bill, HB 213, as thus amended, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

FURTHER CONSIDERATION OF HB 201

The Senate proceeded to further consideration of the Bill:

H. 201. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1995, for educational purposes.

having been postponed on the Twenty-Fifth Legislative Day.

And said Bill, HB 201, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -31

Nays:

- 0

FURTHER CONSIDERATION OF HB 318

The Senate proceeded to further consideration of the Bill:

H. 318. To make a supplemental appropriation to the Department of Public Health for the fiscal year ending September 30, 1994, for educational purposes related to the training of counselors in long-term care facilities.

having been postponed on the Twenty-Fifth Legislative Day.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 318, was postponed temporarily.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 149. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Eighth Legislative day only.

Page

H. 319

170

Law enforcement officers, granted civil immunity

H. 423

168

Municipalities, immunity granted to for cert. acts of mun. employees, Sec. 11-47-190 am'd.

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H. 654	168
Motor Fuel Marketing Act, portion of penalties collected shall go to the office of dist. atty. which brought the action, Sec. 8-22-16 am'd.	
H. 718	172
Public corps. formed to operate water, sewer, gas, or electric system, st. and local sales and use tax exempt, Sec. 11-50-322 am'd.	
H. 123	164
Motor boats, sales and use taxes, taxed under motor vehicle statutes, Secs. 33-5-11, 40-23-100 to 40-23-104, 40-23-106, 40-23-107, 40-23-108 am'd.; Secs. 40-23-109, 40-23-112 to 40-23-118 repealed; Act 711 Reg. Sess. 1993 repealed	
H. 282	178
Local legislative delegation offices, credit for prior service, for longevity pay purposes	
H. 788	161
Housing provided to low or moderate income persons or families by municipal or county governing bodies, income criteria alt., Sec. 11-96A-2 am'd.	
H. 58	40
Supernumerary positions, establishment prohib., may participate in Employees' Retirement System, const. amend.	
H. 872	148
Class 1 muns. (Birmingham), Self-Help Business Improvement Dists. may be estab., assessments imposed	
H. 817	180
Election officials, may appt. necessary staff to process and canvass absentee ballots, Sec. 17-10-11 am'd.	
H. 851	171
Employees' Retirement System, reopened for cert. employees to purchase credit for service rendered while excluded from the system	
H. 244	58
Paternity proceedings, defendant may reopen case if he can present scientific evidence that he is not the father	

H. 305	150
State employee injury compensation program, finance director may establish, Secs. 41-9-62 and 41-9-68 am'd.	
H. 131	109
Insurance Holding Company System Regulatory Act, estab., for compliance with model act adopted by National Association of Insurance Commissioners, Secs. 27-29-1 to 27- 29-5 am'd.	
H. 115	160
Cullman Co., add'l dist. judge auth., election, duties, comp.	
H. 814	164
Unemployment comp., disqualification for benefits for testing positive for drug usage, Sec. 25-4-78 am'd.	
H. 594	122
Unemployment compensation benefits, extension restrictions, eligibility, revocation, suspension and determination, Secs. 25-4-75, 25-4-77 am'd.	
H. 273	153
Murder committed outside a dwelling or while victim is in motor vehicle or the deadly weapon is fired or used within or from a vehicle, capital offenses, Sec. 13A-5-40 am'd.	
H. 583	173
Telemarketing, reg., licensing of telemarketers and salespersons, exemptions, penalties	
H. 258	61
Social workers, licensing of bachelor social workers, ed qualifications alt., Sec. 34-30-22 am'd.	
H. 324	123
Cahaba Advisory Committee, executive director, assist. director, staff authorized to promote Old Cahaba Capitol site, Sec. 41-9-252 am'd.	
H. 527	138
Children, physical abuse, procedures for cert. children under age 16 same as for children under age 16 in crimes of sexual abuse, Secs. 15-25-1, 15-25-3, 15-25-30, 15-25-31, 15-25-39 am'd.	

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H. 816	150
Boards of ed., auth. to convey prop. to volunteer fire depts., Sec. 16-8-12 am'd.	
H. 532	154
Fraternal Order of Police, distinc. license plates auth. to be issued	
H. 424	113
Handgun violations, ordinance re st. law, violations, juris- diction of mun. ct., Sec. 11-45-1.1 am'd.	
H. 544	98
Contracts, recision of between principal agents to provide for method and time of payments of fees, Secs. 8-24-1 to 8- 24-5 am'd.	
H. 91	39
Tobacco products, untaxed, co. taxing officials auth. to assess penalty on, Sec. 40-25-18 am'd.	
H. 491	160
Boards of registrars, comp. incr., Sec. 17-4-153 am'd.	
H. 648	136
Public Service Commission, approp. annually to Consumer Utility Rate Hearing Fund, use by Atty. Gen. only, deletion Gov., chairman PSC, Sec. 37-1-18 am'd.	
H. 487	79
Paternity, Uniform Parentage Act, procedures, voluntary acknowledgment, genetic testing, presumptions, Secs. 26- 17- 5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, 26-17-15 am'd.	
H. 810	156
Liquefied petroleum gas, use of unvented heaters in resi- dences, use of cert. vented and unvented heaters in mobile homes auth., reg. by LP-Gas Bd.	

On motion of Senator Hale, the Resolution was adopted by the
Senate.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 590. Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 35 miles per hour except as otherwise provided.

Also:

S. 125. To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for six pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

Also:

S. 329. To amend Sections 9-12-54.1, 9-12-54.2, 9-12- 54.3, 9-12-54.4, 9-12-54.5, 9-12-54.6, 9-12-54.7, and 9-12- 93 by regulating

further bait shrimpers, as to poundage, location of shrimp catches, and licensing restrictions, and prescribing certain criminal penalties.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 319. To grant to all peace officers, except constables whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

The Standing Committee on Governmental Affairs/State Administration reported the following substitute for the Bill, HB 319, to-wit:

SUBSTITUTE FOR HB 319

**A BILL
TO BE ENTITLED
AN ACT**

To grant to all peace officers except constables, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws the same tort liability immunity as given to all or any state officers not constitutional officers; to provide that such immunity shall extend only to such officers and their appointing authorities, and not to private employers of peace officers during their off duty hours; to require employers of off duty peace officers to have at least \$100,000 liability insurance in force to in-

demnify any acts of such off duty peace officer; and to provide that failure to have such insurance in force shall make individual owners or general partners or corporate officers of the employer liable for all acts taken by such peace officer in the line and scope of such private employment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Every peace officer, except constables, who is employed or appointed pursuant to the constitution or statutes of this state, whether appointed or employed as such peace officer by the state of a county or municipality thereof, or by an agency or institution, corporate or otherwise, created pursuant to the constitution or laws of this state and authorized by the constitution or laws to appoint or employ police officers or other peace officers, and whose duties prescribed by law, or by the lawful terms of their employment or appointment, include the enforcement of, or the investigation and reporting of violations of, the criminal laws of this state, and who is empowered by the laws of this state to execute warrants, to arrest and to take into custody persons who violate, or who are lawfully charged by warrant, indictment, or other lawful process, with violations of, the criminal laws of this state, shall at all times be deemed to be officers of this state, and as such shall have immunity from tort liability arising out of his or her conduct in performance of any discretionary function within the line and scope of his or her law enforcement duties.

Section 2. This act is intended to extend immunity only to peace officers and governmental units or agencies authorized to appoint peace officers. No immunity is extended hereby to any private non-governmental person or entity, including any private employer of a peace officer during that officer's off-duty hours.

Section 3. Every private, non-governmental person or entity who employs a peace officer during that officer's "off-duty" hours to perform any type of security work or to work while in the uniform of a peace officer shall have in force at least \$100,000 of liability insurance, which insurance must indemnify for acts the "off-duty" peace officer takes within the line and scope of the private employment. The failure to have in force the insurance herein required shall make every individual employer, every general partner of a partnership employer, every member of an unincorporated association employer, and every officer of a corporate employer individually liable for all acts taken by an "off-duty" peace officer within the line and scope of the private employment.

Section 4. The provisions of this act shall supersede all laws which are contrary to or inconsistent herewith.

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Section 5. The holding by any court of competent jurisdiction that any provision, clause or phrase of this act is invalid for any reason shall not affect the validity of any remaining portions hereof.

Section 6. This act shall become effective upon the approval hereof by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Escott- Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays:

- 0

And said Bill, HB 319, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Escott- Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 423. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

was taken up.

Senator Lindsey offered the following substitute for the Bill, HB 423, to-wit:

SUBSTITUTE FOR HB 423

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-47-190 of the Code of Alabama 1947 respecting tort liability judgments against municipalities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-47-190 of the Code of Alabama, 1975, is hereby amended to read as follows:

“Section 11-47-190. When municipality liable; joint liability of other persons or corporations.

No city or town shall be liable for damages for injury done to or wrong suffered by any person or corporation, unless such injury or wrong was done or suffered through the neglect, carelessness or unskillfulness of some agent, officer or employee of the municipality engaged in work therefore and while acting in the line of his or her duty, or unless the said injury or wrong was done or suffered through the neglect or carelessness or failure to remedy some defect in the streets, alleys, public ways or buildings after the same had been called to the attention of the council or other governing body or after the same had existed for such an unreasonable length of time as to raise a presumption of knowledge of such defect on the part of the council or other governing body and whenever the city or town shall be made liable for damages by reason of the unauthorized or wrongful acts or negligence, carelessness or unskillfulness of any person or corporation, then such person or corporation shall be liable to an action on the same account by the party so injured. However, no recovery may be had under any judgment or combination of judgments, whether direct or by way of indemnity under Section 11-47-24, or otherwise, arising out of a single occurrence, against a municipality, and/or any officer or officers, or employee or employees, or agents thereof, in excess of a total \$100,000 per injured person up to a maximum of \$300,000 per single occurrence, the limits set out the provisions of Section 11-93-2 notwithstanding.”

Section 2. The holding by any court of competent jurisdiction that any phrase or provision or other part of this act is invalid shall not affect the validity of those parts remaining.

Section 3. This act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Which was adopted.

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Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Escott- Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays:

- 0

And said Bill, HB 423, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Escott- Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 654. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom
-28

Nays:

- 0

THE BILL:

H. 718. To exempt public corporations formed under Article 9

of Chapter 50 of Title 11 of the Code of Alabama 1975, for the purpose of operating water, sewer, gas, or electric systems from sales, use, and similar gross receipts taxes; to provide for a retroactive effective date; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this act; and to provide an effective date for this act.

was taken up.

Senator Mitchem offered the following amendment to the Bill, HB 718, to-wit:

AMENDMENT TO HB 718

Amend HB 718, on Page 3, line 3, by inserting the following language after the word and punctuation "however,":

that the provisions of this section shall not be construed to exempt any such corporation from the privilege or license tax levied by Alabama Code Section 40-21-82 or the excise tax levied by Alabama Code Section 40-21-102; and provided, further,

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, HB 718, as thus amended, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 123. To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide further for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

THE BILL:

H. 282. To provide a credit for certain service in the determina-

tion of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -28

Nays:

- 0

THE BILL:

H. 788. Relating to single and multi-family dwellings for low or moderate income persons or families which may be provided by a governing body of a municipality or county; to alter the definition of the term low or moderate income person or family by amending Section 11-96A-2, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

THE BILL:

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

was taken up.

The Standing Committee on Governmental Affairs/Local Government reported the following substitute for the Bill, HB 58, to-wit:

SUBSTITUTE FOR HB 58

**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to the Constitution of Alabama of 1901, relating to retirement, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System; to prohibit the Legislature from enacting any law which allows a member of any of the Retirement Systems of Alabama to purchase service credit toward retirement without paying the full actuarial cost of the credit; to prohibit the Legislature from enacting any law which provides a special benefit under any of the Retirement Systems of Alabama which does not extend to all members of the retirement system or fund which provides the benefit; to provide for termination of benefits for certain members of any of the Retirement Systems of Alabama who are convicted of felonies related to the service upon which their retirement benefits are based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama subject to certain exceptions; to terminate participation in the retirement systems by certain private organizations; and to prohibit the Legislature from enacting laws which allow purchase of service credit by members of any of the Retirement Systems of Alabama for service rendered to non-public and non-quasi-public employers.

On motion of Senator Denton, said substitute was laid on the table.

Senator Denton then offered the following substitute for the Bill, HB 58, to-wit:

SUBSTITUTE FOR HB 58

**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to the Constitution of Alabama of 1901, relating to retirement, to prohibit the participation in supernumerary programs by public officials not holding office on October 1, 1994 and to protect the financial integrity of the Retirement System of Alabama; to allow those public officials to participate in the Employees' Retirement Sys-

tem according to the rules and regulations governing other participants; to provide for the grandfathering of persons retired from or participating in the system who are serving as elected officials on February 1, 1995; and to prohibit the Legislature from enacting any law which allows a member of any of the Retirement Systems of Alabama to purchase service credit toward retirement without providing for payment of the full actuarial cost of credit.

On motion of Senator Denton, the Rules were suspended and further consideration of the Bill, HB 58, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

Senator Denton requested and received permission to suspended the Rules in order to bring up the Bill:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

Senator Denton then offered the following substitute for the Bill, HB 100, to-wit:

SUBSTITUTE FOR HB 100

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the

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Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

A county ad valorem tax official shall not assume a supernumerary office after the effective date of this amendment except as provided in this amendment. A person who, on the effective date of this amendment, is serving as a supernumerary official, or has made an election, or is otherwise entitled to participate in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975, may continue to serve or participate in the supernumerary program as provided therein.

Notwithstanding any provisions of this Constitution to the contrary including but not limited to Article IV, Section 98 as amended by Amendment No. 513, a county ad valorem tax official not electing to participate in a supernumerary program or not eligible to participate in a supernumerary program shall participate in the Employees' Retirement System of Alabama or any successor retirement system thereto if the county served by the official is a county unit member of the Employees' Retirement System. Otherwise, the county ad valorem tax official shall participate in the county retirement system for employees of the county served by the official. Participation by a county ad valorem tax official in the county or state retirement system shall be upon the same terms and conditions provided by law for participation by a state or county employee in the system. Nothing in this amendment shall be construed as authorizing a person to participate in both the county ad valorem tax official supernumerary program and the Employees' Retirement System of Alabama or a county retirement system which is not a county unit participant under the Employees' Retirement System.

A county ad valorem tax official who, on the effective date of this amendment, is participating in the supernumerary program pursuant to Title 40, Chapter 6, Code of Alabama 1975, may irrevocably elect to withdraw from the supernumerary program and enroll in the Employees' Retirement System of Alabama or the county retirement system for employees of the county served by the official, if the county system is not a unit participant in

the Employees' Retirement System, upon the terms and conditions provided by law or regulation governing the retirement system in which the official enrolls. The election shall be in a form prescribed by the board of control of the Employees' Retirement System or the county retirement system which is not a county unit member of the Employees' Retirement system, and filed for record in the probate office of the county served by the official no later than one hundred eighty days following the effective date of this amendment.

For purposes of this amendment, the words "county ad valorem tax official" means an elected or appointed county tax assessor, tax collector, revenue commissioner, license commissioner or other county official whose duties include the assessment or collection of ad valorem taxes for the county, but do not include a judge of probate or an employee of the state.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general elections laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

On motion of Senator Little, the Rules were suspended and further consideration of the Bill, HB 100, was postponed subject to the call of the Chair.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 872. To provide procedures by which class 1 municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the owners of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a

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district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; and to provide certain tax exemptions for district management corporations.

was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays: - 0

THE BILL:

H. 817. To amend Section 17-10-11, Code of Alabama 1975, to provide for appointment of election workers in sufficient numbers as necessary to process and canvas absentee ballots using optical scanning devices.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays: - 0

FURTHER CONSIDERATION OF HB 100

The Senate proceeded to further consideration of the Bill, HB 100. The question was on the Denton substitute.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

And said Bill, HB 100, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

FURTHER CONSIDERATION OF HB 58

The Senate proceeded to further consideration of the Bill, HB 58. The question was on the Denton substitute.

On motion of Senator Denton, said substitute was laid on the table.

And said Bill, HB 58, was read a third time at length as required by the Constitution and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 851. Reopening the Employees' Retirement System to allow

certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; and providing for a delayed effective date.

was taken up.

The Standing Committee on Economic Affairs reported the following substitute for the Bill, HB 851, to-wit:

SUBSTITUTE FOR HB 851

**A BILL
TO BE ENTITLED
AN ACT**

Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any active and contributing member of the Employees' Retirement System who is an employee of an employer participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, and whose current position was once excluded by the employer from participating in the system, may receive credit in the system for the period of full-time service for which his or her position was excluded by the employer from participating in the system, provided the member claiming the credit has been continuously employed by the employer since January 1, 1987, and the member performs and complies with the conditions prescribed in Section 2 of this act.

Section 2. A member of the Employees' Retirement System eligible to purchase credit in the system under Section 1 of this act shall receive the credit after satisfying the following conditions:

(1) Within one year of the effective date of this act, the member shall contribute to the Employees' Retirement System for each year of credit claimed the total amount which he or she would have contributed had he or she been allowed to contribute as an employee based on the earnable compensation received for each year of claimed service, together with eight percent interest compounded annually from the date of service to the date of payment. Likewise, the employer shall contribute to the system, the total amount of the employer's share of the contributions for each year of credit claimed that would have been required together with eight percent interest compounded annually from the date of service to the date of payment.

(2) The employer shall certify in writing to the Employees' Retirement System the dates of the period of full-time employment for which the member is claiming credit.

Section 3. An active and contributing member of the Employees' or Teachers' Retirement System who has been a member of the system for at least 10 years, may claim and purchase credit not to exceed three years in his or her respective retirement system for prior service rendered while employed in a program in the office of a local district attorney which was financed at the time the service was rendered by a federal grant if the member complies with the provisions set forth in Section 4 of this act.

Section 4. Each person eligible to claim and purchase the credit for service under Section 3 of this act shall be awarded creditable service under the Employees' Retirement System or Teachers' Retirement System provided he or she shall pay into the retirement system, prior to October 1, 1995, a lump sum equal to the percentage of his or her current annual earnable compensation, or final average compensation, whichever is greater, for each year of service credit purchased; the current annual earnable compensation or final average compensation, whichever is greater, shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation.

Section 5. This act shall become effective on October 1, 1994, upon its passage and approval by the Legislature or its otherwise becoming a law.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 851, was postponed subject to the call of the Chair.

BILL RECONSIDERED

On motion of Senator Hale, the Senate reconsidered the vote by

which the Bill, HB 213, was passed.

On motion of Senator Hale, the Senate reconsidered the vote by which the Bill, HB 213, was ordered to its third reading.

On motion of Senator Hale, the Senate reconsidered the vote by which the Hale substitute No. 2 was adopted.

On motion of Senator Hale, said substitute was laid on the table.

Senator Hale requested and received permission to suspend the Rules in order to allow the Hale substitute No. 1 to be reconsidered.

On motion of Senator Hale, the Senate reconsidered the vote by which the Hale substitute No. 1 was adopted.

On motion of Senator Hale, said substitute, was laid on the table.

And said Bill, HB 213, was again read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 244. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon,

Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays: - 0

THE BILL:

H. 305. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays: - 0

THE BILL:

H. 131. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon,

Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays: - 0

THE BILL:

H. 115. To create a new district judgeship for Cullman County.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays: - 0

FURTHER CONSIDERATION OF HB 851

The Senate proceeded to further consideration of the Bill, HB 851. The question was on the Committee substitute.

Which was adopted.

Yeas 24 Nays 3

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -24

Nays:

Senators:

Hill, Little, and Mitchell - 3

Senator Barron offered the following amendment to the Bill, HB 851, as amended by the substitute, to-wit:

AMENDMENT TO HB 851, AS AMENDED

Amend HB 851, as amended, on page 3 by striking lines 17-27 and on page 4 by striking lines 1-2 and by inserting in lieu thereof the following:

“(1) Each person eligible to claim and purchase the credit for service under Section 1 of this act shall be awarded creditable service under the Employees’ Retirement System provided he or she shall pay into the retirement system, prior to October 1, 1995, a lump sum equal to the percentage of his or her current annual earnable compensation, or final average compensation, whichever is greater, for each year of service credit purchased; the current annual earnable compensation or final average compensation, whichever is greater, shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation.”

Which was adopted.

Yeas 24 Nays 3

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom

-24

Nays:

Senators:

Hill, Little, and Mitchell

- 3

And said Bill, HB 851, as thus amended, was read a third time at length and passed.

Yeas 24 Nays 3

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom

-24

Nays:

Senators:

Hill, Little, and Mitchell

- 3

BILLS ON THIRD READING RESUMED

THE BILL:

H. 814. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; and to amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to provide for disqualification of unemployment compensation benefits due to dismissal for testing positive for the use of illegal drugs.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-27

Nays:

- 0

THE BILL:

H. 594. To amend Sections 25-4-77 and 25-4-75, of the Code of Alabama 1975, as amended by Section 1 of Act No. 93-253, S. 459, 1993 Regular Session, relating to unemployment compensation, to provide further for restrictions on extended benefits, eligibility requirements for benefits, in order to conform with federal law.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-27

Nays:

- 0

THE BILL:

H. 273. To amend Section 13A-5-40 of the Code of Alabama

1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-27

Nays:

- 0

THE BILL:

H. 583. To regulate commercial telephone solicitation, to require the annual registration, licensing, and bonding of commercial telephone sellers and salespersons, to specify exemptions, to set license fees, to prescribe civil and criminal penalties for violations, to authorize administration and enforcement by the Attorney General, to authorize waiver of civil penalties or other claims or costs if the violator has previously made full restitution or reimbursement or paid actual damages to injured purchasers, to authorize settlement of claims and actions, to authorize deposit of civil penalties, settlement amounts, attorney's fees, and costs into the State General Fund and appropriations therefrom for deposit into a special revenue account together with other receipts in the Office of the Attorney General, to provide for a revolving fund for implementation and enforcement of this act, and for administration, investigation, and future civil and criminal prosecution.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis,

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Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -27

Nays: - 0

THE BILL:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

was taken up.

The Standing Committee on Governmental Affairs/State Administration reported the following amendment to the Bill, HB 258, to-wit:

AMENDMENT TO HB 258

Amend HB 258 on page 2, line 29, as follows:

Delete the underlined language "1993" and insert in lieu thereof the new underlined language "1994".

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -27

Nays: - 0

And said Bill, HB 258, as thus amended, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -27

Nays: - 0

BILL RECONSIDERED

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, HB 583, was passed.

And said Bill, HB 583, was again passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 324. To amend Section 41-9-252, Code of Alabama 1975, to provide for an executive director, assistant director, and staff to perform educational, promotional, and fund-raising functions relating to the Old Cahaba Capitol Site.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -27

Nays:

- 0

THE BILL:

H. 527. To amend Sections 15-25-1, 15-25-3, 15-25-30, 15-25-31, and 15-25-39, Code of Alabama 1975, so as to provide that in criminal proceedings involving physical offenses against a child, the victim and witnesses be treated in the same manner as for certain children under the age of 16 involving sexual abuse, sexual offenses, and sexual exploitation, relat-

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ing to testifying, use of electronic equipment, court appearances, and admissibility of certain evidentiary matters of a material nature.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays: - 0

THE BILL:

H. 816. To amend Section 16-8-12, Code of Alabama 1975, relating to the vesting of legal title to school property in the county board of education, to provide that a county board of education may convey school property to a volunteer fire department in the county.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-26

Nays: - 0

THE BILL:

H. 532. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-26

Nays:

- 0

THE BILL:

H. 424. To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-27

Nays:

- 0

BILL RECONSIDERED

On motion of Senator Lindsey, the Senate reconsidered the vote by which the Bill, HB 532, was passed.

On motion of Senator Hale, further consideration of the Bill, HB 532, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill:

H. 679. To amend Section 36-21-66 of the Code of Alabama 1975, to provide further for the investment authority and policies of the

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Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund.

And said Bill, HB 679, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 755. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Houston County; and repealing Act No. 93-333, H. 717 of the 1993 Regular Session.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 58. Proposing an amendment to the Constitution of Ala-

bama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 201. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1995, for educational purposes.

Also:

H. 931. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Gainesville in Sumter County.

Also:

H. 924. Relating to Dallas County; providing further for the salary of the sheriff.

Also:

H. 920. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

Also:

H. 904. Relating to Blount County; to further provide for the compensation of the judge of probate.

Also:

H. 759. Relating to retirement or participant benefits and spouse's or survivor's benefits paid by certain pension, relief, or retirement systems of Class 1 municipalities to persons who are covered under the Policemen's Pension and Relief Fund provided by Act No. 502 of the 1923 Session of the Legislature, as amended, the Fireman's Pension and Relief Fund provided by Act No. 307 of the 1943 Session of the Legislature, as amended, the Separate Policeman's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature, as amended, or the Separate Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature, as amended, to provide further for certain minimum monthly benefits payable under the systems to certain persons.

Also:

H. 825. To provide that the sheriff of Montgomery County, at his or her discretion, may provide a retiring officer his badge and pistol.

Also:

H. 856. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

Also:

H. 882. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Napier Field in Dale County.

Also:

H. 418. Relating to Jefferson County; regulating the operation of tanning facilities; requiring the safe and sanitary operation of tanning devices; and prescribing civil and administrative penalties.

Also:

H. 446. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

Also:

H. 447. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

Also:

H. 607. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

Also:

H. 829. Relating to Jefferson County; to provide for the maintenance, operation, and financing of the public law library for the Birmingham Division of the Tenth Judicial Circuit; to impose additional court costs to certain court costs presently in effect in the Birmingham Division of the Tenth Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; to provide that the presiding circuit judge shall administer the Birmingham Division Law Fund and public law library; and to provide that the costs and charges collected be placed in a "Treatment to Alternative Street Crime Fund" and to provide for distribution of the funds.

Also:

H. 906. Relating to Shelby County; to impose a fee on the privilege of engaging in the business of buying, selling, or renting real property in the county.

Also:

H. 908. Relating to Elmore County; to provide for the speed limit on unpaved county roads.

Also:

H. 910. Relating to the Twenty-eighth Judicial Circuit of Alabama by authorizing the district attorney to establish a Restitution Recovery Division within the office of the district attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim

compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

Also:

H. 922. Relating to Dallas County; to provide for the distribution of beer tax revenue collected in the corporate limits and police jurisdiction of the Town of Orrville.

Also:

H. 923. Relating to Dallas County; providing for an additional special transaction fee on certain public business filed and transacted in the office of the revenue commissioner; and providing for disposition of funds from the additional fees.

Also:

H. 430. To make a supplemental appropriation for the sum of thirty thousand dollars (\$30,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1994.

Also:

H. 730. To amend Section 11-43C-40, Code of Alabama 1975, to provide further for the appropriations for the salaries of personnel employed by the mayors of certain Class 5 Municipalities.

Also:

H. 416. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

Also:

H. 502. To amend Section 12-17-94, Code of Alabama 1975, relating to the duties of the circuit clerks; to provide an additional duty of monitoring court orders directed at criminal defendants relating to fines, court costs, and other court-ordered monies; and to make a conditional appropriation to the Unified Judicial System.

Also:

H. 539. To alter, rearrange and extend the boundary lines and corporate limits of the City of Graysville, Jefferson County, annexing certain territory to the city.

Also:

H. 75. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

Also:

H. 654. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

Also:

H. 123. To amend Section 40-23-100, Code of Alabama 1975, to provide further for definitions including a definition for a motorboat; to amend Section 40-23-101, Code of Alabama 1975, to levy a sales tax on certain motorboats; to amend Section 40-23-102, Code of Alabama 1975, to provide for the levy of a use tax on certain motorboats; to amend Section 40-23-103, Code of Alabama 1975, to provide credit where items are taken in trade in a sale subject to the tax; to amend Section 40-23-104, Code of Alabama 1975, to provide further for the procedures for the collection of the taxes levied hereunder; to amend Section 40-23-106, Code of Alabama 1975, to provide for reciprocity with states that provide a credit for Alabama taxes; to amend Section 40-23-107, Code of Alabama 1975, to provide further for fees for the collection of taxes levied; to amend Section 40-23-108, Code of Alabama 1975, to provide for distribution of the tax proceeds; to amend Section 33-5-11, Code of Alabama 1975; to provide further for the registration and numbering of vessels; to authorize the State Department of Revenue to adopt, promulgate, and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of Article 3, Chapter 23, Title 40, Code of Alabama 1975; to repeal

Section 40-23-109, Code of Alabama 1975; to repeal Act No. 93-711, 1993 Regular Session, now appearing as Sections 40-23-112, to 40-23-118, inclusive, Code of Alabama 1975; and to provide for a prospective effective date of this act.

Also:

H. 930. Relating to Sumter County; to amend Section 2 of Act No. 90-612, H. 961, 1990 Regular Session (Acts 1990, p. 1124), relating to hazardous waste disposal fees; to provide that the trustees may invest the proceeds from the fees.

Also:

H. 929. Relating to Monroe County; providing for an additional expense allowance and salary for the coroner.

Also:

H. 325. To amend Act No. 556 of the 1959 Regular Session (Acts 1959, p. 1376), establishing a Firemen's and Policemen's Supplemental Pension System for the City of Birmingham; to authorize the City of Birmingham as employer of the members of the Firemen's and Policemen's Supplemental Pension System to pay certain employee contributions for certain members of the system.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 544. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the defi-

dition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within thirty days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

was taken up.

Senator Floyd moved that further consideration of the Bill, HB 544, be indefinitely postponed.

On motion of Senator Hale, said motion to postponed was laid on the table.

Yeas 22 Nays 4

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nays:

Senators:

Corbett, Dixon, Floyd, and Ghee - 4

And said Bill, HB 544, was read a third time at length and passed.

Yeas 22 Nays 2

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

Senators:

Dixon and Floyd - 2

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 429. COMMENDING THE DIRECTOR, CAST, AND CREW OF "BOYS AND GHOULS TOGETHER."

Also:

HJR 432. COMMENDING HAROLD BYRD WISE, GENEVA COUNTY, ON OUTSTANDING PUBLIC SERVICE AND RETIREMENT.

Also:

HJR 435. DESIGNATING FORT PAYNE, ALABAMA, AS THE "OFFICIAL SOCK CAPITAL OF THE WORLD."

Also:

HJR 437. COMMENDING MRS. SADIE MOSS OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 438. COMMENDING SHAWNA SAULS OF THE UNIVERSITY OF MONTEVALLO FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 439. COMMENDING SHEENA BOWLING OF THE UNIVERSITY OF MONTEVALLO FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 440. COMMENDING JUDITH M. GREEN, COACH OF THE YEAR.

Also:

HJR 446. COMMENDING THE ADAMS MIDDLE SCHOOL

BAND OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 448. COMMENDING O. L. "BUD" LEWIS OF BLANCHE, ALABAMA.

Also:

HJR 450. COMMENDING THE SENIOR MEMBERS OF THE SATSUMA HIGH SCHOOL BAND, SATSUMA, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 282. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

Also:

H. 788. Relating to single and multi-family dwellings for low or moderate income persons or families which may be provided by a governing body of a municipality or county; to alter the definition of the term low or moderate income person or family by amending Section 11-96A-2, Code of Alabama 1975.

Also:

H. 817. To amend Section 17-10-11, Code of Alabama 1975, to provide for appointment of election workers in sufficient numbers as necessary to process and canvas absentee ballots using optical scanning devices.

Also:

H. 872. To provide procedures by which class 1 municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the owners of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; and to provide certain tax exemptions for district management corporations.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 213. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 244. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

was taken up.

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, HB 91, was postponed subject to the call of the Chair.

THE BILL:

H. 491. To amend Section 17-4-153, Code of Alabama 1975, to provide further for the salary of each member of the Board of Registrars in each county.

was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis,

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Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays: - 0

FURTHER CONSIDERATION OF HB 91

The Senate proceeded to further consideration of the Bill, HB 91.

And said Bill, HB 91, was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 648. To amend Section 37-1-18, Code of Alabama 1975, which provides for an annual appropriation from the State General Fund to the Consumer's Utility Rate Hearing Fund to be used for the presentation of the case for the consumer in utility rate increase hearings before the Public Service Commission, so as to provide for the use of the Consumer Utility Rate Hearing Fund by the Attorney General and that the fund shall be under the Office of the Attorney General.

was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays: - 0

THE BILL:

H. 487. To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Barron, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Foshee, Ghee, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

THE BILL:

H. 810. To provide for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -26

Nays:

- 0

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill:

H. 748. To amend Section 23-1-50.1 of the Code of Alabama 1975, to further provide for the definition of road machinery and equipment to include certain aircraft and automotive equipment transferred from the Department of Finance to the Department of Transportation, pursuant to Executive Order No. 12, dated December 21, 1993, in the Department of Transportation, Road Machinery and Equipment Management Program and Equipment Management Surplus Reserve Account.

was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -29

Nays:

- 0

REPORTS FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 10. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1994, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1995.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

And on motion of Senator Hale, said Resolution, SJR 10, was adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 279. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION AND PRESIDENT CLINTON REGARDING THE PROPOSED AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958.

WHEREAS, many airlines have proposed actions in an effort to take local control away from airport authorities by taking control of local airport revenues; and

WHEREAS, the proposed actions include seeking an amendment to the Federal Aviation Act of 1958, which may require airports to operate on a break-even basis and to subsidize airline rates and charges with other revenue generated by the airports; and

WHEREAS, the proposed actions also include seeking to overturn the decision of the United State Supreme Court in *Northwest Airlines v. County of Kent*, which upheld the right of local and state government airport operators to set "compensatory" rate making methodologies for computing rates and charges at airports; and

WHEREAS, if the proposed actions are realized, the financial health of community airports may be destroyed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature go on record as opposing any proposed amendment to the Federal Aviation Act of 1958 which would take control of local airport revenues from local airports and urge appropriate action by the federal government to oppose any attempt to overturn *Northwest Airlines v. County of Kent*.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the members of the Alabama Congressional delegation and President Clinton.

And on motion of Senator Hale, said Resolution, HJR 279, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 355. DESIGNATING THE ALABAMA COMMISSION ON AGING AS THE LEAD AGENCY FOR THE EXAMINATION AND REVISION OF THE LONG-TERM CARE SYSTEM IN ALABAMA.

WHEREAS, proposed changes in the nation's health care system and related variables may have a significant impact on Alabama's senior citizens and disabled citizens; and

WHEREAS, in order to keep abreast of all the changes and to maintain the standard and level of services available to Alabama's senior-citizen population, it is imperative that the State of Alabama continue its efforts to insure that the senior citizens of this state receive the advantages of a properly managed long-term care system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Commission on Aging is designated as the lead agency responsible for the complete examination and revision of Alabama's long-term care system and an analysis of the Senior Respite Service, Inc., program currently functioning in Austin, Texas, to ascertain if any portions of the Texas program are applicable to Alabama.

BE IT FURTHER RESOLVED, That the Department of Human Resources, the State Medicaid Agency, and the Department of Mental Health, in conjunction with the Governor, shall assist the Alabama Commission on Aging in the execution of its duties regarding the study and analysis of the Senior Respite Service, Inc., program taking into consideration the costs, demographics, the existing system of services, and related variables which impact or otherwise affect the long-term care of Alabama's senior citizens and citizens with disabilities. The Alabama Commission on Aging shall present its findings and recommendations to the Legislative Council at least 60 days prior to the 1995 Regular Session.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided the Governor and each agency listed herein.

And on motion of Senator Hale, said Resolution, HJR 355, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 555. Relating to Limestone County; authorizing the Limestone County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Horn, Lindsey, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-25

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 150. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Eighth Legislative day only.

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H. 376

Bicycle Safety Act of 1994 estab., helmet requirements, penalties

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H. 2 Shriners, distinc. license plates auth.	81
H. 16 Medical clinic bds., cos. may incorporate, Secs. 11-58-1 to 11-58-5, 11-58-7, 11-58-12, 11-58-13 am'd.	82
H. 540 Hunting and fishing licenses, dates of validity, resident fishing license one yr. from date of issuance, Sec. 9-11-32 am'd.	134
H. 617 Women's Hall of Fame Bd., quorum, limit on annual approp. deleted, Secs. 41-9-550, 41-9-553 am'd.	179
H. 463 Retired educators and Alabama Education Association advisory committee, distinc. license plates auth., add'l. fee	153
H. 481 Air Pollution Control Act, fines prescribed for violations, Sec. 22-28-22 am'd.	154
H. 534 Natural gas used by cert. persons for agricultural purposes, tax exempt, Sec. 40-23-4 am'd.	128
H. 722 Local constitutional amendments, procedure for adoption alt.	119
H. 565 Firefighters Annuity Fund, estab., bd. of trustees, exec. dir.	125
H. 440 Criminal Justice Information Center, law enforcement officers may keep badge and pistol upon retirement, Sec. 36-21-8 am'd.	129
H. 336 District judges, added to Judicial Inquiry Commission and Court of Judiciary, consti. amend.	119
H. 267 State employees, payment directly to contract facilities to	166

be made when fighting forest fire or other emergencies,
Sec. 36-7-20 am'd.

- H. 584** 163
Municipal governing bodies, may join with other muns. in the co. to levy add'l. ct. costs for operation of jails, other correctional facilities, or a juvenile detention center or ct. complex
- H. 93** 91
Counties and municipal corps., engaging in business without a license, fees and penalties incr., Secs. 11-51-90, 11-51-93 am'd.
- H. 372** 92
Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.
- H. 384** 140
Municipalities, may give notice of ordinances and amts. for zoning in alternate form, Sec. 11-52-77 am'd.
- H. 266** 77
University of Alabama, police officers, arrest powers reg., Sec. 16-47-10 am'd.
- H. 314** 92
Agricultural and Conservation Development Commission, appt. of designees and replacement of designees provided for, Sec. 9-8A-3 am'd.
- H. 711** 161
Health insurance, enrollment in noncustodial parent's group plan, withholding, garnishment
- H. 613** 162
Health insurers, denial of enrollment of individual based on Medicaid eligibility prohib., Sec. 27-14-11.1 am'd.
- H. 128** 51
Foreign nationals imprisoned in Alabama, may be transferred to country of citizenship if transfer is pursuant to U. S. treaty
- H. 486** 98
Alabama High School Legislative Leadership Academy estab. at University of South Alabama

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H. 675	173
State seal, unlawful to reproduce or use facsimile or print or distrib. cert. identification cares without disclaimers, penalties	

H. 437	174
Motor vehicles, operation of with tinted windshields prohib., penalties	

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

RECESS

At 5:10 P.M., on motion of Senator deGraffenried, the Senate took a recess until 7:30 P.M.

The recess period having expired, at 7:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 376. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education and supervision.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 376, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 273. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or

through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

Also:

H. 594. To amend Sections 25-4-77 and 25-4-75, of the Code of Alabama 1975, as amended by Section 1 of Act No. 93-253, S. 459, 1993 Regular Session, relating to unemployment compensation, to provide further for restrictions on extended benefits, eligibility requirements for benefits, in order to conform with federal law.

Also:

H. 814. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; and to amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to provide for disqualification of unemployment compensation benefits due to dismissal for testing positive for the use of illegal drugs.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 115. To create a new district judgeship for Cullman County.

Also:

H. 131. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

Also:

H. 305. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 424. To amend Section 11-45-1.1 of the Code of Alabama 1975, relating to the regulation of handguns, to specify the authority of the municipal courts to exercise concurrent jurisdiction with the district courts over violations of state handgun laws which are prosecuted as violations of municipal ordinances.

Also:

H. 679. To amend Section 36-21-66 of the Code of Alabama 1975, to provide further for the investment authority and policies of the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund.

Also:

H. 816. To amend Section 16-8-12, Code of Alabama 1975, relating to the vesting of legal title to school property in the county board of education, to provide that a county board of education may convey school property to a volunteer fire department in the county.

Also:

H. 324. To amend Section 41-9-252, Code of Alabama 1975, to provide for an executive director, assistant director, and staff to perform educational, promotional, and fund-raising functions relating to the Old Cahaba Capitol Site.

Also:

H. 527. To amend Sections 15-25-1, 15-25-3, 15-25-30, 15-25-31, and 15-25-39, Code of Alabama 1975, so as to provide that in criminal proceedings involving physical offenses against a child, the victim and witnesses be treated in the same manner as for certain children under the age of 16 involving sexual abuse, sexual offenses, and sexual exploitation, relating to testifying, use of electronic equipment, court appearances, and admissibility of certain evidentiary matters of a material nature.

Also:

H. 583. To regulate commercial telephone solicitation, to require the annual registration, licensing, and bonding of commercial telephone sellers and salespersons, to specify exemptions, to set license fees, to prescribe civil and criminal penalties for violations, to authorize administration and enforcement by the Attorney General, to authorize waiver of civil penalties or other claims or costs if the violator has previously made full restitution or reimbursement or paid actual damages to injured purchasers, to authorize settlement of claims and actions, to authorize deposit of civil penalties, settlement amounts, attorney's fees, and costs into the State General Fund and appropriations therefrom for deposit into a special revenue account together with other receipts in the Office of the Attorney General, to provide for a revolving fund for implementation and enforce-

ment of this act, and for administration, investigation, and future civil and criminal prosecution.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 200. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 239. To make an appropriation from the Alabama Special

Educational Trust Fund to the Alabama Cattlemen's Association for the Children's Museum and to the Wiregrass Museum of Art to be used for educational purposes for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 812. To amend Section 3 and Section 4 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making supplemental appropriations to the Alabama Department of Economic and Community Affairs; to remove the condition that supplemental appropriations be made in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program; and to repeal Section 6 of Act No. 93-190, H. 246 of the 1993 Regular Session (Acts 1993, p. 287), making the supplemental appropriations contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and

immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

Also:

H. 487. To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

Also:

H. 491. To amend Section 17-4-153, Code of Alabama 1975, to provide further for the salary of each member of the Board of Registrars in each county.

Also:

H. 544. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within thirty days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

Also:

H. 648. To amend Section 37-1-18, Code of Alabama 1975, which provides for an annual appropriation from the State General Fund to the Consumer's Utility Rate Hearing Fund to be used for the presentation of the case for the consumer in utility rate increase hearings before the Public Service Commission, so as to provide for the use of the Consumer Utility Rate Hearing Fund by the Attorney General and that the fund shall be under the Office of the Attorney General.

Also:

H. 748. To amend Section 23-1-50.1 of the Code of Alabama 1975, to further provide for the definition of road machinery and equipment to include certain aircraft and automotive equipment transferred from the Department of Finance to the Department of Transportation, pursuant to Executive Order No. 12, dated December 21, 1993, in the Department of Transportation, Road Machinery and Equipment Management Program and Equipment Management Surplus Reserve Account.

Also:

H. 810. To provide for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 555. Relating to Limestone County; authorizing the Limestone County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

Also:

HJR 355. DESIGNATING THE ALABAMA COMMISSION ON AGING AS THE LEAD AGENCY FOR THE EXAMINATION AND REVISION OF THE LONG-TERM CARE SYSTEM IN ALABAMA.

Also:

HJR 279. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION AND PRESIDENT CLINTON REGARDING THE PROPOSED AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, HB 2, to-wit:

SUBSTITUTE FOR HB 2

A BILL TO BE ENTITLED AN ACT

To provide distinctive motor vehicle license tags or plates for mem-

bers of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the distribution of the net proceeds from the fees; and providing for a delayed implementation date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America who is the owner of a motor vehicle and a resident of the state may be issued a distinctive license tag or plate bearing the words "The Ancient Arabic Order of Nobles of the Mystic Shrine" across the top portion of the tag or plate and bearing its logo between the county identification number and the actual license number. The member shall make application to the judge of probate or license commissioner, comply with the motor vehicle registration and licensing laws, pay the regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and pay an additional fee of twenty-five dollars (\$25).

(b) The tags or plates shall be issued, printed, and processed like other distinctive and personalized tags and plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975. The tags or plates shall be valid for five years and may be replaced with either a conventional, personalized, or new "Ancient Arabic Order of Nobles of the Mystic Shrine" tags or plates. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided in Section 32-6-63 of the Code of Alabama 1975.

Section 2. The net proceeds of the additional revenues derived from sales of tags pursuant to this act, less administrative costs, including the cost of production of the tags, shall be distributed by the judge of probate or license commissioner to the Juvenile Health Care Board of the City of Piedmont, Alabama.

Section 3. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plates sells, trades, exchanges, or otherwise disposes of the motor vehicle, the plates shall be retained by the owner to whom issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tags or plates as provided in this section. In the event the owner acquires by purchase, trade, exchange, or otherwise a vehicle for which no standard plates have been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle

and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer of the distinctive license plates or tags previously purchased by the owner to the vehicle, which plates or tags shall authorize the operation of the vehicle for the remainder of the then current license period. In the event the owner of the distinctive license plates or tags acquires by purchase, trade, exchange, or otherwise a vehicle for which standard plates have been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plates previously issued for the vehicle, authorize the owner of the newly-acquired vehicle to place the distinctive license plates or tags previously purchased the vehicle and use the plates for the remainder of the then current license period. The notice of transfer of ownership shall be made of record by the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise any vehicle formerly bearing the distinctive plates may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase standard replacement plates for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 4. Upon termination of membership with the Ancient Arabic Order of Nobles of the Mystic Shrine, an applicant to whom a distinctive license plate was issued under Section 1 shall, within 30 days, return the plate to the judge of probate or the license commissioner of the county of the applicant's residence.

Section 5. If a distinctive license plate deteriorates to the point where inscriptions thereon are not discernible, the owner or lessee may obtain a replacement plate free of charge.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the fourth month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Dial, Escott- Russell, Floyd,

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Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -23

Nays: - 0

And said Bill, HB 2, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill:

H. 626. To authorize any district organized pursuant to Chapter 89 of Title 11 of the Code of Alabama 1975, to carry out one or more, but not all, of its authorized services through one or more corporations organized pursuant to this act; to provide for the incorporation of the corporations and the powers thereof and the election of the directors for the corporations and the management of their affairs; to provide for the incorporation by reference and applicability of the definitions contained in Section 11-89-1 of the Code of Alabama 1975, and the powers and other provisions contained in Sections 11-89-7 to 11-89-19, inclusive, of Chapter 89 of the Code of Alabama 1975 for the corporations; to provide for the duration and dissolution of the corporations; to provide for severability and to provide an effective date.

And said Bill, HB 626, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

THE BILL:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics, and to define county medical clinics as nonprofit rural health clinics.

was taken up.

The Standing Committee on Health reported the following substitute for the Bill, HB 16, to-wit:

SUBSTITUTE FOR HB 16**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, are amended to read as follows:

“§11-58-1.

“(a) When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **CLINICAL FACILITIES.** Real property for the location or better utilization of a medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture, and fixtures useful or desirable in the operation of a medical clinic.

“(2) **DOMICILIARY CARE FACILITY.** Homes for the aged, intermediate institutions, and related institutions, whose primary purpose is

to furnish room, board, laundry, personal care, and other nonmedical services, regardless of what it may be named or called, for not less than 24 hours in any week to three or more individuals not related by blood or marriage to the owner ~~and/or or~~ administrator. This kind of care implies sheltered protection and supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally the same type of limited medical attention as an individual would receive if he or she were living in his or her own home.

“(3) MEDICAL CLINIC. Any one or more of buildings or facilities operated by a county or municipal medical clinic board which serve to promote the public health, either by providing places for the diagnosis, treatment, or cure of sick or injured persons or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, sanitoriums, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of ~~such the~~ diagnosis, ~~or~~ treatment, or research with respect to any of the foregoing and hotels and motels intended primarily for use by patients and relatives and attendants of patients or patrons of any medical clinic, as well as domiciliary facilities so long as any ~~such the~~ domiciliary facility is required to be approved or licensed by any federal, state, or local government agency having jurisdiction in the planning or operation of health care facilities, or is owned or operated in conjunction with any nursing home. ~~Such domiciliary~~ Domiciliary facilities shall not; ~~however,~~ be exempt from ad valorem taxation.

(4) Medical Clinic Board. A corporation formed pursuant to this chapter for the purpose of acquiring and operating a county or municipal medical clinic.”

“§11-58-2.

“(a) The purpose of this chapter is to provide for the incorporation of medical clinic boards as public agencies and instrumentalities of the state of Alabama to promote the acquisition of health facilities in order to promote the public health of the people of Alabama and also to promote the acquisition of certain other facilities for the housing and care of elderly persons.

“(b) Whenever any number of natural persons, not less than three, shall file with the governing body of any county or municipality in this state

an application in writing for authority to incorporate a public corporation as a medical clinic board for the purpose of acquiring, owning, leasing, and disposing of one or more medical clinics and clinical facilities and it shall be made to appear to ~~such the~~ governing body that each of ~~said the~~ persons is a duly qualified elector of and owner of property in ~~said the~~ municipality, or in the county in areas outside of municipalities located in the county, the governing body of ~~said municipality~~ shall consider ~~such the~~ application. If ~~such the~~ governing body approves ~~such the~~ application, it shall adopt a resolution, which shall be duly entered upon the minutes of ~~such the~~ governing body, ~~wherein it shall be declared~~ declaring that it is wise, expedient, and necessary that such a corporation be formed and that the persons filing ~~said the~~ application shall be authorized to ~~proceed to form~~ such the corporation. Upon the adoption of ~~such the~~ resolution, the ~~said~~ persons who filed ~~such the~~ application shall proceed to organize ~~such the~~ corporation by executing and filing for record in the office of the judge of probate of the county, or in the office of the judge of probate of one or more of the counties in which ~~such any~~ municipality is located a certificate of incorporation as provided in this chapter.

~~“No corporation shall be formed under this chapter unless the application provided for in this subsection shall have been made and unless the resolution provided for in this subsection shall have been adopted.”~~

“(c) The granting of authority for the incorporation of one medical clinic board shall not preclude the granting of authority by the governing body of any municipality or county for the incorporation of other ~~such~~ medical clinic boards; ~~provided, that such other~~. Other medical clinic boards seeking incorporation shall be required to adopt a name or designation sufficient to distinguish them from any existing medical clinic board ~~theretofore incorporated.~~”

“§11-58-3.

“(a) The certificate of incorporation of any corporation organized under this chapter shall state:

“(1) The name of the corporation, which shall be a name indicating the purpose for which the corporation is organized [e.g., “The Medical Clinic Board for the (County) (City) or (Town) of _____”];₂

“(2) The location of its principal office and the post office address thereof;₂

“(3) The period for the duration of the corporation, ~~(if~~ If the duration is to be perpetual, this fact should be stated)₂

“(4) The objects for which the corporation is organized; ~~and,~~

“(5) Any other provisions not contrary to law which the incorporators ~~may~~ choose to insert for the regulation and conduct of the affairs of the corporation.

“(b) The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this state to take acknowledgment of deeds. When so acknowledged, the certificate shall be filed in the office of the judge of probate of the county, or one of the counties in which ~~such any~~ municipality is located, and ~~said the judge of probate shall immediately forthwith file and record such the certificate and record the same.~~ Thereupon the applicants shall constitute a corporation under the name stated in the certificate of incorporation.”

“§11-58-4.

“Each corporation formed under this chapter shall have a board of directors which shall constitute the governing body of the corporation, ~~which board shall consist~~ consisting of three members who shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in ~~and about~~ the performance of their duties under this chapter and, at the discretion of the board of directors, ~~they~~ may be paid a director’s fee of ~~\$10.00~~ ten dollars (\$10) for each director’s meeting attended by them not to exceed a total of ~~\$120.00~~ one hundred twenty dollars (\$120) per member per year. No member of the board ~~of directors~~ shall be an officer of the municipality or county. The directors of the corporation shall be elected by the governing body of the respective municipality or county and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election. Thereafter the term of office of each director shall be six years.”

“§11-58-5.

“Each corporation formed under this chapter shall have the following powers, together with all the powers incidental thereto or necessary to the discharge thereof in corporate form:

“(1) To have succession by its corporate name for the period specified in the certificate of incorporation (which may be in perpetuity) unless sooner dissolved as provided in this chapter; ~~;~~

“(2) To sue and be sued and prosecute and defend civil actions in

any court having jurisdiction of the subject matter and of the parties;.

“(3) To have and use a corporate seal and to alter ~~the same~~ it at pleasure;.

“(4) To acquire, whether by purchase, exchange, lease, construction, or otherwise one or more medical clinics and any necessary or desirable clinical facilities; ~~provided, that any such,~~

“a. Any municipal medical clinic shall be located either within the corporate limits of the municipality or within 15 miles of ~~such the~~ corporate limits, but not within the corporate limits of ~~any other municipality and not within the~~ or police jurisdiction of any other municipality, unless ~~such the~~ other municipality shall by resolution adopted by its governing body consent to ~~such the~~ location within its police jurisdiction; ~~provided further, that no,~~

“b. A county medical clinic shall be located within the county in which it is incorporated.

“c. No municipal or county medical clinic shall be located outside of the county in which the board is incorporated, unless the governing body of ~~such the~~ other county by resolution consents to ~~such the~~ location within its boundaries.

“(5) To improve, enlarge, maintain, equip, and furnish one or more medical clinics and any necessary or desirable clinical facilities.

“(6) To lease to others one or more medical clinics or parts ~~thereof~~ of clinics and any clinical facilities, ~~and to charge and collect rent therefor,~~ ~~and to terminate any such lease upon the failure of the lessee to comply with any of the lease obligations thereof,~~ and to grant options to renew or extend any ~~such lease upon such terms and conditions as the board of directors may determine; provided, that no,~~ No lease shall extend beyond the last maturity of any bonds issued by the medical clinic board or 60 years from the date of the lease, whichever is the longer; and no option to renew shall permit the extension of any lease beyond ~~such that~~ that period.

“(7) To sell, exchange and convey, to contract to sell, exchange or convey, and to grant options to any lessee to acquire any medical clinic and any clinical facilities and any or all of its properties whenever its board of directors ~~shall find any such action~~ finds it to be in furtherance of the purpose for which the corporation was organized;.

“(8) To borrow money and to issue its bonds for the purpose of carrying out any of its powers;.

“(9) To mortgage and pledge any one or more of its medical clinics and any or all of its clinical facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues, rentals, and receipts therefrom or from any part thereof as security for the payment of the principal and interest on any bonds ~~so~~ issued and any agreements made in connection therewith;.

“(10) To enter into contracts and agreements or to do any act necessary for or incidental to the performance of the duties and the execution of its powers under this chapter;.

“(11) To accept gifts, ~~or money,~~ or property, including one or more medical clinics and clinical facilities, from any source whatsoever, subject to ~~such any~~ conditions as the board of directors ~~may approve;~~ approves.

“(12) To appoint and employ ~~such those~~ officers and agents, including attorneys, as its business ~~may require;~~ requires.

“(13) To provide for ~~such any~~ insurance as its board of directors ~~may deem~~ deems advisable.”

“§11-58-7.

“(a) All bonds issued by a corporation organized under authority of this chapter shall be solely and exclusively obligations of the corporation and shall not create an obligation or debt of any municipality or county. No county or municipality shall pledge its faith or credit for the payment of any debt incurred or bonds issued by ~~such the~~ corporation.

“(b) ~~Such bonds~~ Bonds may be executed and delivered at any time and from time to time, may be in ~~such the~~ form and denominations, may be of ~~such the~~ tenor, may be in registered or bearer form, either as to principal or interest or both, may be payable in ~~such~~ installments and at ~~such a~~ time or times, not exceeding 40 years from their issuance date, may be payable at ~~such a~~ place or places, may bear interest at ~~such a~~ rate or rates payable at ~~such a~~ place or places and evidenced in ~~such a~~ manner, and may contain ~~such~~ provisions not inconsistent with this chapter as may be provided by resolution of its board of directors. ~~The bonds issued by any corporation organized under this chapter~~ Bonds issued shall be signed by the chairman chair of its board of directors or other chief executive officer and attested by its secretary, and the seal of ~~such the~~ corporation shall be affixed, ~~thereto;~~ but a ~~A~~ facsimile signature of one, ~~but not both, of such officers~~ corporate officer may be impressed or printed on any bonds in lieu of ~~the a~~ manual signature of ~~such officer~~. Any interest coupon applicable to the bonds of ~~such the~~ corporation shall be signed by the ~~chairman~~ chair of the board of

directors or other chief executive officer, but a facsimile of ~~such the~~ signature may be impressed or printed on any ~~such~~ interest coupon in lieu of ~~his~~ manually signing the coupon.

“(c) Any bonds issued under the authority of this chapter may be sold at public or private sale in ~~such a~~ manner and from time to time as ~~may be~~ determined by the board of directors to be most advantageous; ~~and the~~. The corporation may pay all expenses, premiums and commissions which its board of directors ~~may deem~~ deems necessary or advantageous in connection with the authorization, sale, and issuance ~~thereof~~ of its bonds.

“(d) All bonds issued under the authority of this chapter and all applicable interest coupons ~~applicable thereto~~ shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

“(e) Whenever the principal of and interest on all bonds of ~~such a~~ corporation payable from the revenues derived from the operation of one or more medical clinics owned by ~~such the~~ corporation ~~shall have been paid in full, then the its~~ board of directors ~~of the corporation~~ may by resolution determine that the purposes for which the corporation was formed have been substantially complied with, and ~~the board of directors of the corporation~~ shall thereupon execute and file for record in the office of the judge of probate of the county in which the corporation is organized a certificate of dissolution reciting ~~such those~~ facts and declaring the corporation to be dissolved. ~~Such The~~ certificate of dissolution shall be executed under the corporate seal of the corporation. Upon the filing of ~~such the~~ certificate of dissolution, the corporation shall stand dissolved, and title to all funds and properties owned by it at the time of ~~such~~ dissolution shall vest in and be delivered to the county or municipality, ~~and possession of such funds and properties shall forthwith be delivered to such municipality~~. The dissolution of one or more corporations under ~~the provisions of~~ this chapter shall not cause the dissolution of other ~~such existing~~ corporations, ~~already incorporated~~ nor preclude the subsequent formation hereunder of other corporations.”

“§11-58-12.

“(a) ~~Each Any county and any~~ incorporated city and town ~~is hereby authorized to may~~ transfer and convey to a its county or municipal medical clinic board, as the case may be, that is which shall have been duly incorporated ~~with the approval of the governing body of such municipality~~ pursuant to this chapter, ~~as amended~~; any property that may, immediately preceding ~~such the~~ conveyance, have been owned by ~~such the~~ county or municipality, including medical clinics and clinical facilities, hospitals and hospi-

tal facilities, and assets and any land used or useable for medical clinic or hospital purposes, whether or not ~~such the~~ property is necessary for the conduct of the governmental or other public functions of ~~such the county or municipality;~~ provided, that such, A transfer or conveyance of property shall have been first authorized prior authorization by resolution duly adopted by the governing body of ~~such the county, respecting county medical clinics, or the municipality~~ prior to the transfer and conveyance and that such, The resolution shall have been published one time, at least five days before such a transfer or conveyance is consummated, in a newspaper published in such the county, respecting county medical clinics, or the municipality, regarding municipal medical clinics, ; or if If no newspaper is ~~then~~ published in the municipality, the resolution shall be published in a newspaper published or circulated in the county ~~in which such the~~ municipality is located. ~~Such A~~ transfer or conveyance may be made with or without the payment of monetary or other consideration therefor.

“(b) The foregoing authorization shall apply to any hospital, hospital assets, or other property, tangible or intangible, received by an incorporated city or town upon the dissolution of any hospital building authority incorporated under ~~the provisions of~~ sections 22-21-130 through 22-21-155.”

“§11-58-13.

“(a) Whenever the principal of and interest on all bonds of ~~such a~~ corporation payable from the revenues derived from the operation of one or more medical clinics owned by ~~such the~~ corporation ~~shall have been paid in full, then the~~ its board of directors of the corporation may, by resolution, determine that the purposes for which the corporation was formed have been substantially complied with, and ~~the board of directors of the corporation shall thereupon execute and file for record in the office of the judge of probate of the county in which the corporation is organized a certificate of dissolution, reciting such those facts and declaring the corporation to be dissolved. Such The~~ certificate of dissolution shall be executed under the corporate seal of the corporation.

“(b) Upon the filing of ~~such the~~ certificate of dissolution, the corporation shall stand dissolved, title to all funds and properties owned by it at the time of ~~such~~ dissolution shall vest in the county or municipality, and possession of ~~such the~~ funds and properties shall ~~forthwith~~ be immediately delivered to ~~such the county or~~ municipality.

“(c) The dissolution of one or more corporations under ~~the provisions of~~ this chapter shall not cause the dissolution of other ~~such existing~~

corporations, ~~already incorporated~~ nor preclude the subsequent formation under this chapter of other corporations.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, HB 16, as thus amended, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 540. To amend Section 9-11-32, Code of Alabama 1975, relating to the dates that hunting and fishing licenses are valid, so as to further provide for the dates or time period that certain hunting and fishing licenses are valid.

was read a third time at length and passed.

Yeas 25 Nays 0

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Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 780. To provide for the offense of making false statements to obtain or deny workers' compensation benefits.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 617. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975; to provide for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone, provided that advance written notice is given all members of the board; and to provide for the annual appropriation made to the board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

THE BILL:

H. 463. To provide for commemorative motor vehicle tags for

certain educators; to appropriate certain fees for the tags to the Penny Trust Fund; to establish an advisory committee for the design of the tag; to provide that the cost and additional fees for the commemorative license tags be paid from the net proceeds to the Department of Corrections; and to provide that the extra fees spent on the commemorative license tags shall be a charitable deduction.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

THE BILL:

H. 481. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 481, was postponed subject to the call of the Chair.

Senator Lipscomb requested and received permission to suspend the Rules in order to bring up the Bill:

H. 584. To authorize the various municipal governing bodies individually or jointly with other municipalities to levy additional costs and fees on certain municipal cases and to provide for the distribution of the funds to construct, equip, and maintain a jail or jails or a court complex.

And said Bill, HB 584, was read a third time at length and passed.

Yeas 19 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell,

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Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens,
Underwood, Waggoner, and Windom -19

Nays: - 0

Senator Owens requested and received permission to suspend the Rules in order to bring up the Bill:

H. 613. To amend Section 27-14-11.1, Code of Alabama 1975, relating to certain health insurer contracts and prohibiting any provision which denies or reduces benefits based on medicaid eligibility, so as to further define private insurers and to prohibit private insurers from denying enrollment to an individual based on medicaid eligibility.

And said Bill, HB 613, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays: - 0

Senator Owens then requested and received permission to suspend the Rules in order to bring up the Bill:

H. 711. To provide for the enrollment of a child in a non-custodial parent's group health plan by a custodial or non-custodial parent, the Medicaid agency, or other Title IV-D, or Title XIX, state agencies; to provide that employers shall withhold wages up to the maximum allowed by statute in order to pay the employee's share, if any, of premiums on the necessary health coverage; and to provide that a state agency shall be able to garnish wages or require withholding of amounts from state tax refunds to reimburse the state or custodial parent where a person has received third party payments, but has not paid these to the state agency or custodial parent when appropriate.

And said Bill, HB 711, was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-

Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Waggoner, and Windom -21

Nays: - 0

THE BILL:

H. 534. To amend Section 40-23-4 of the Code of Alabama 1975, to provide further for certain sales tax exemptions.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Waggoner, and Windom -21

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification for certain persons; to provide a certificate of exemption from examination for certain persons; to provide for an examination except driving skills, for operators of certain boats and vessels, and provide certain fees to cover the cost of application, collection, and reporting; to provide certain exemptions; to provide for issuance and use of dupli-

cate certification identifications, and the surrender of the duplicates, or exemption; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for the use and exceptions of certain personal flotation devices and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to prohibit violations of the federal rules or regulations relating to the horsepower of the engines of the vessels; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

And said Bill, SB 280, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, SB 280, together with the Report of the Committee on Conference, is herewith returned to the Senate.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 780. To provide for the offense of making false statements to obtain or deny workers' compensation benefits.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 540. To amend Section 9-11-32, Code of Alabama 1975, relating to the dates that hunting and fishing licenses are valid, so as to further provide for the dates or time period that certain hunting and fishing licenses are valid.

Also:

H. 626. To authorize any district organized pursuant to Chapter 89 of Title 11 of the Code of Alabama 1975, to carry out one or more, but not all, of its authorized services through one or more corporations organized pursuant to this act; to provide for the incorporation of the corporations and the powers thereof and the election of the directors for the corporations and the management of their affairs; to provide for the incorporation by reference and applicability of the definitions contained in Section 11-89-1 of the Code of Alabama 1975, and the powers and other provisions contained in Sections 11-89-7 to 11-89-19, inclusive, of Chapter 89 of the Code of Alabama 1975 for the corporations; to provide for the duration and dissolution of the corporations; to provide for severability and to provide an effective date.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secre-

tary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 617. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975; to provide for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone, provided that advance written notice is given all members of the board; and to provide for the annual appropriation made to the board.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to except state administered health benefit plans.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to provide for powers of arrest without warrant of certain persons at the scene of boating accidents; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification for certain persons; to provide a certificate of exemption from examination for certain persons; to provide for an examination except driving skills, for operators of certain boats and vessels, and provide certain fees to cover the cost of application, collection, and reporting; to provide certain exemptions; to provide for issuance and use of duplicate certification identifications, and the surrender of the duplicates, or exemption; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for the use and exceptions of certain personal flotation devices and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers or mirrors while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to prohibit violations of the federal rules or regulations relating to the horsepower of the engines of the vessels; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide for certain exceptions; to authorize the Commissioner of Conservation and Natural Resources to issue and enforce certain rules and regulations necessary to implement this act; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the distribution of the net proceeds from the fees; and providing for a delayed implementation date.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 722. Proposing an amendment to Amendment No. 425 to the Constitution of Alabama of 1901, relating to the mode of adoption of proposed constitutional amendments affecting only one county, to clarify

certain provisions of the amendment and to provide further for the mode of adopting amendments affecting only one county and to ratify and confirm constitutional amendments previously approved pursuant to Amendment No. 425.

was read a third time at length as required by the Constitution and passed.

Yeas 21 Nays 1

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Escott- Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Underwood, Waggoner, Wilson, and Windom -21

Nay: Senator Parsons - 1

THE BILL:

H. 565. To establish a pension fund for Alabama fire fighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

was taken up.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 565, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 299. To provide further for the reimbursement of health care providers by insurance companies, and to except state administered health benefit plans.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in

the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 440. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers permitted to retain their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

was read a third time at length and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 851. Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant; and providing for a delayed effective date.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 718. To exempt public corporations formed under Article 9 of Chapter 50 of Title 11 of the Code of Alabama 1975, for the purpose of operating water, sewer, gas, or electric systems from sales, use, and similar gross receipts taxes; to provide for a retroactive effective date; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this act; and to provide an effective date for this act.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 463. To provide for commemorative motor vehicle tags for certain educators; to appropriate certain fees for the tags to the Penny Trust Fund; to establish an advisory committee for the design of the tag; to provide that the cost and additional fees for the commemorative license tags be paid from the net proceeds to the Department of Corrections; and to provide that the extra fees spent on the commemorative license tags shall be a charitable deduction.

Also:

H. 584. To authorize the various municipal governing bodies individually or jointly with other municipalities to levy additional costs and fees on certain municipal cases and to provide for the distribution of the funds to construct, equip, and maintain a jail or jails or a court complex.

Also:

H. 613. To amend Section 27-14-11.1, Code of Alabama 1975, relating to certain health insurer contracts and prohibiting any provision which denies or reduces benefits based on medicaid eligibility, so as to fur-

ther define private insurers and to prohibit private insurers from denying enrollment to an individual based on medicaid eligibility.

Also:

H. 711. To provide for the enrollment of a child in a non-custodial parent's group health plan by a custodial or non-custodial parent, the Medicaid agency, or other Title IV-D, or Title XIX, state agencies; to provide that employers shall withhold wages up to the maximum allowed by statute in order to pay the employee's share, if any, of premiums on the necessary health coverage; and to provide that a state agency shall be able to garnish wages or require withholding of amounts from state tax refunds to reimburse the state or custodial parent where a person has received third party payments, but has not paid these to the state agency or custodial parent when appropriate.

Also:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and

for the distribution of the net proceeds from the fees; and providing for a delayed implementation date.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill:

H. 486. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

And said Bill, HB 486, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom

-24

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the

system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts, and reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant and providing for a termination date.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 925. Relating to Dallas County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from storage, gasoline and motor fuel in Dallas County in an amount not to exceed two cents (\$0.02) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; and to fix the penalty for the violation of this act.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 336. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

was read a third time at length as required by the Constitution and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

Senator Owens requested and received permission to suspend the Rules in order to bring up the Bill:

H. 719. To repeal Section 40-21-57, Code of Alabama 1975, relating to a license tax for the operation of railroads.

And said Bill, HB 719, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

THE BILL:

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when

the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 319. To grant to all peace officers except constables, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws the same tort liability immunity as given to all or any state officers not constitutional officers; to provide that such immunity shall extend only to such officers and their appointing authorities, and not to private employers of peace officers during their off duty hours; to require employers of off duty peace officers to have at least \$100,000 liability insurance in force to indemnify any acts of such off duty peace officer; and to provide that failure to have such insurance in force shall make individual owners or general partners or corporate officers of the employer liable for all acts taken by such peace officer in the line and scope of such private employment.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 533. To provide members of the council or governing body

of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 93. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

was read a third time at length and passed.

Yeas 18 Nays 0
Abstaining 1

Yeas:

Senators:

Campbell, deGraffenried, Denton, Dixon, Floyd, Hale, Hill, Hom, Langford, Lindsey, Little, Mitchell, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -18

Nays: - 0

Abstaining: Senator Dial - 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 423. To amend Section 11-47-190 Code of Alabama 1947 respecting tort liability judgments against municipalities.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 372. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

was taken up.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, HB 372, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 490. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

GREG PAPPAS,
Clerk.

BILLS ON THIRD READING RESUMED

Senator Owens requested and received permission to suspend the Rules in order to bring up the Bill:

H. 675. Relating to the great seal of the state; making it unlawful to use an image or facsimile of the great seal of the state for commercial purposes and to possess and present and to print or distribute, or both, certain identification cards which do not have a certain disclaimer of their authenticity printed on them in a certain place and providing criminal penalties.

And said Bill, HB 675, was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Campbell, Corbett, Denton, Dial, Dixon, Floyd, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 145. RECOGNIZING MAC PARSONS OF HUEYTOWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

SJR 146. COMMENDING DR. SARA CREWS FINLEY, RECIPIENT OF THE 1994 DISTINGUISHED ALUMNA AWARD OF THE UNIVERSITY OF ALABAMA.

Also:

SJR 147. RECOGNIZING THE 25TH ANNIVERSARY OF THE TALLADEGA SUPERSPEEDWAY, AND MR. WILLIAM H. G. FRANCE.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 10. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 10. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995.

Also:

SJR 145. RECOGNIZING MAC PARSONS OF HUEYTOWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

SJR 146. COMMENDING DR. SARA CREWS FINLEY, RECIPIENT OF THE 1994 DISTINGUISHED ALUMNA AWARD OF THE UNIVERSITY OF ALABAMA.

Also:

SJR 147. RECOGNIZING THE 25TH ANNIVERSARY OF THE TALLADEGA SUPERSPEEDWAY, AND MR. WILLIAM H. G. FRANCE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 718. To exempt public corporations formed under Article 9 of Chapter 50 of Title 11 of the Code of Alabama 1975, for the purpose of operating water, sewer, gas, or electric systems from sales, use, and similar gross receipts taxes; to provide for a retroactive effective date; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this act; and to provide an effective date for this act.

Also:

H. 851. Reopening the Employees' Retirement System to allow certain members of the system employed by employers participating in the system pursuant to Section 36-27-6, Code of Alabama 1975, to purchase credit in the system for the period of service for which they were once excluded from membership in the system; providing for payment of costs for credit for the service; reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant; and providing for a delayed effective date.

Also:

H. 534. To amend Section 40-23-4 of the Code of Alabama 1975, to provide further for certain sales tax exemptions.

Also:

H. 925. Relating to Dallas County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships,

companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from storage, gasoline and motor fuel in Dallas County in an amount not to exceed two cents (\$0.02) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; and to fix the penalty for the violation of this act.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 722. Proposing an amendment to Amendment No. 425 to the Constitution of Alabama of 1901, relating to the mode of adoption of proposed constitutional amendments affecting only one county, to clarify certain provisions of the amendment and to provide further for the mode of adopting amendments affecting only one county and to ratify and confirm constitutional amendments previously approved pursuant to Amendment No. 425.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary

of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 100. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 474. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts, and reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant and providing for a termination date.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 440. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers permitted to retain their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

Also:

H. 486. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

Also:

H. 336. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

Also:

H. 719. To repeal Section 40-21-57, Code of Alabama 1975, relating to a license tax for the operation of railroads.

Also:

H. 319. To grant to all peace officers except constables, whether state, county, municipal, or specially appointed under constitutional or statu-

tory authority whose duties include the enforcement of state criminal laws the same tort liability immunity as given to all or any state officers not constitutional officers; to provide that such immunity shall extend only to such officers and their appointing authorities, and not to private employers of peace officers during their off duty hours; to require employers of off duty peace officers to have at least \$100,000 liability insurance in force to indemnify any acts of such off duty peace officer; and to provide that failure to have such insurance in force shall make individual owners or general partners or corporate officers of the employer liable for all acts taken by such peace officer in the line and scope of such private employment.

Also:

H. 533. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

Also:

H. 423. To amend Section 11-47-190 of the Code of Alabama 1947 respecting tort liability judgments against municipalities.

Also:

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics.

Also:

H. 490. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

Also:

H. 267. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

Also:

H. 93. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

Also:

H. 675. Relating to the great seal of the state; making it unlawful to use an image or facsimile of the great seal of the state for commercial purposes and to possess and present and to print or distribute, or both, certain identification cards which do not have a certain disclaimer of their authenticity printed on them in a certain place and providing criminal penalties.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RECESS

At 11:05 P.M., on motion of Senator Corbett, the Senate took a recess until 11:55 P.M.

The recess period having expired, at 11:55 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and

House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 375 SB 414 SB 431

Delivered to the Governor on April 25, 1994, at 10:56 A.M.

SB 590 SB 37 SB 125 SB 329

Delivered to the Governor on April 25, 1994, at 3:05 P.M.

SB 280

Delivered to the Governor on April 25, 1994, at 10:10 P.M.

SJR 10 SJR 145 SJR 146 SJR 147

Delivered to the Governor on April 25, 1994, at 11:30 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

REGULAR SESSION
28th Day

2863

ADJOURNMENT

At 11:56 P.M., on motion of Senator Corbett, in accordance with Joint Resolution heretofore adopted, the Senate adjourned Sine Die.

McDOWELL LEE,
Secretary of Senate.

ROSTER OF THE SENATE OF ALABAMA REGULAR SESSION 1994

OFFICERS

RYAN deGRAFFENRIED, JR. *President Pro-Tempore and
Presiding Officer*, Tuscaloosa

CHARLES McDOWELL LEE, *Secretary*, Montgomery

D. PATRICK HARRIS, *Assistant Secretary*, Montgomery

DAVID AVANT, *Administrative Assistant*, Prattville

MRS. SUZAN McCLELLAND, *Chief Clerk*, Prattville

MEMBERS OF THE SENATE

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LAUDERDALE, LIMESTONE, MADISON Jim Smith	108-A South Side Square, Huntsville 35801
3	LAWRENCE, MORGAN Ray Campbell	P.O. Box 1988, Decatur 35602-1988
4	CULLMAN, MADISON, MORGAN Don Hale	1725 Woodland Street, NW, Cullman 35055
5	PICKENS, TUSCALOOSA, WALKER Robert (Bob) T. Wilson, Jr.....	P.O. Box 2088, Jasper 35502
6	FAYETTE, FRANKLIN, LAMAR, MARION, WINSTON George R. Bolling	P.O. Box 350, Fayette 35555
7	MADISON Bill G. Smith	2009 Gallatin Street, SW, Huntsville 35801
8	DEKALB, JACKSON, MADISON Lowell Ray Barron.....	P.O. Box 65, Fyffe 35971

- 9 **BLOUNT, DEKALB, MARSHALL**
Hinton MitchemP.O. Box 297, Albertville 35950
- 10 **ETOWAH, ST. CLAIR**
Jack Floyd 816 Chestnut Street, Gadsden 35999
- 11 **COOSA, ELMORE, TALLADEGA**
Odell (Dell) V. Hill, Jr. 706 Selwood Road, Alpine 35014
- 12 **CALHOUN**
Doug Ghee P.O. Box 848, Anniston 36202
- 13 **CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, RANDOLPH**
Gerald DialP.O. Box 248, Lineville 36266
- 14 **BIBB, SHELBY, ST. CLAIR**
Frank (Butch) Ellis, Jr. P.O. Box 587, Columbiana 35051
- 15 **JEFFERSON**
John E. Amari 1337 Stonecrest Drive, Birmingham 35235
- 16 **JEFFERSON**
J. T. (Jabo) Waggoner Two Perimeter Park South
Suite 224 W, Birmingham 35243
- 17 **JEFFERSON**
Mac Parsons P.O. Box 3336, Hueytown 35023
- 18 **JEFFERSON**
W. Fred Horn 333 16th Avenue, SW, Birmingham 35211
- 19 **JEFFERSON**
Jeffrey (Jeff) T. Underwood 3800 Ridgeway Drive,
Birmingham 35209
- 20 **JEFFERSON**
Sundra Escott-RussellP.O. Box 8343, Birmingham 35218
- 21 **HALE, TUSCALOOSA**
Ryan deGraffenried, Jr. 2600 6th Street, P.O. Box 2263,
Tuscaloosa 35403
- 22 **CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE, WASHINGTON**
W. H. (Pat) Lindsey 126 South Mulberry, Butler 36904

- 23 CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY,
SUMTER, WILCOX
Henry (Hank) SandersP.O. Box 1305, Selma 36702
- 24 AUTAUGA, BIBB, CHILTON, DALLAS
Walter Owens 111 Pine Avenue, Centreville 35042
- 25 MONTGOMERY
Larry Dixon P.O. Box 946, Montgomery 36101
- 26 ELMORE, MONTGOMERY
Charles D. Langford 918 E. Grove Street, Montgomery 36104
- 27 LEE, TALLAPOOSA
T. D. (Ted) Little P.O. Box 2366, Auburn 36831
- 28 BARBOUR, BULLOCK, MACON, RUSSELL
J. Danny Corbett P.O. Box 789, Phenix City 36868-0789
- 29 GENEVA, HENRY, HOUSTON
Chip Bailey P.O. Box 6791, Dothan 36302
- 30 BUTLER, CRENSHAW, DALE, PIKE
Wendell Mitchell P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, ESCAMBIA
E. Crum Foshee .. Alabama State House, Montgomery 36130-4600
- 32 BALDWIN, MOBILE
Albert Lipscomb P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE
Michael A. Figures 2317 St. Stephens Road, Mobile 36617
- 34 MOBILE
Ann Bedsole P.O. Box 16642, Mobile 36616
- 35 MOBILE
Steve WindomP.O. Drawer 2025, Mobile 36652

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1994**

ECONOMIC AFFAIRS

Corbett, Chairperson; Lindsey, Vice Chairperson; Amari, Campbell, Underwood.

BANKING AND INSURANCE

Windom, Chairperson; Mitchem, Vice Chairperson; Amari, Foshee, Ghee, Horn, Smith (B).

RULES

Hale, Chairperson; Foshee, Deputy Chairperson; Dial, Vice Chairperson; Amari, Bailey, deGraffenried, Figures, Mitchem, Smith (B), Smith (J), Vacancy.

HEALTH

Smith (J), Chairperson; Waggoner, Vice Chairperson; Bolling, Dixon, Ghee, Hale, Lindsey, Wilson, Windom.

CONFIRMATIONS

Foshee, Chairperson; Campbell, Vice Chairperson; Corbett, Dial, Hale.

FINANCE AND TAXATION/EDUCATION FUND

Horn, Chairperson; Barron, Deputy Chairperson; Mitchem, Vice Chairperson; Campbell, deGraffenried, Escott-Russell, Floyd, Ghee, Langford, Little, Sanders, Smith (J), Waggoner, Wilson, Vacancy.

FINANCE AND TAXATION/GENERAL FUND

Horn, Chairperson; Barron, Deputy Chairperson; Sanders, Vice Chairperson; Bailey, Bolling, Denton, Dixon, Figures, Foshee, Hale, Mitchell, Mitchem, Owens, Smith (B), Windom.

JUDICIARY/CRIMINAL JUSTICE AND PUBLIC SAFETY

Ellis, Chairperson; Smith (J), Vice Chairperson; Bedsole, Floyd, Lindsey, Lipscomb, Little.

JUDICIARY/CIVIL

Parsons, Chairperson; Hale, Vice Chairperson; Ellis, Floyd, Lindsey, Mitchell, Wilson.

GOVERNMENTAL AFFAIRS/STATE ADMINISTRATION

Mitchell, Chairperson; Dixon, Vice Chairperson; Corbett, Langford, Lipscomb, Sanders, Smith (B).

GOVERNMENTAL AFFAIRS/LOCAL GOVERNMENT

Denton, Chairperson; Owens, Vice Chairperson; Ellis, Hale, Lindsey, Little, Sanders.

ENERGY AND NATURAL RESOURCES

Wilson, Chairperson; Foshee, Vice Chairperson; Escott-Russell, Lindsey, Owens, Waggoner, Windom,

AGRICULTURE, CONSERVATION, AND FORESTRY

Bedsole, Chairperson; Lindsey, Vice Chairperson; Bolling, Denton, Hill, Lipscomb, Mitchem.

PUBLIC WELFARE

Dixon, Chairperson; Ellis, Vice Chairperson; Hale, Owens, Parsons.

EDUCATION

Bailey, Chairperson; Bedsole, Vice Chairperson; Figures, Floyd, Ghee, Lindsey, Lipscomb, Waggoner, Wilson.

BUSINESS AND LABOR RELATIONS

Mitchem, Chairperson; Smith (B), Vice Chairperson; Bolling, Langford, Owens.

COMMERCE, TRANSPORTATION, AND UTILITIES

Foshee, Chairperson; Barron, Vice Chairperson; Campbell, deGraffenried, Escott-Russell, Horn, Langford.

STATE DEVELOPMENT AND TOURISM

Langford, Chairperson; Foshee, Vice Chairperson; Barron, Campbell, Mitchell.

SMALL BUSINESS

Owens, Chairperson; Bailey, Vice Chairperson; Barron, Corbett, Dixon.

CONSTITUTION AND ELECTIONS

Ghee, Chairperson; Little, Vice Chairperson; Ellis, Parsons, Underwood.

INDUSTRIAL DEVELOPMENT AND EXPANSION

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Corbett, Denton, Dixon, Windom.

CONSUMER AFFAIRS

Bolling, Chairperson; Floyd, Vice Chairperson; Bailey, Hill, Sanders.

LOCAL LEGISLATION NO. 1

Campbell, Chairperson; Mitchell, Vice Chairperson; Corbett, Foshee, Ghee, Sanders, Wilson.

LOCAL LEGISLATION NO. 2

Escott-Russell, Chairperson; Amari, Vice Chairperson; Horn, Parsons, Underwood, Waggoner.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Lipscomb, Vice Chairperson; Bedsole, Windom.

SELECT COMMITTEE ON FISCAL RESPONSIBILITY

Barron, Chairperson; Hale, Vice Chairperson; Corbett, Horn, Mitchem.

1994 COMMITTEE ASSIGNMENTS ALABAMA STATE SENATE

15th District

AMARI, JOHN

Vice Chairperson, Industrial Development and Expansion; Vice Chairperson, Local Legislation No. 2; Economic Affairs; Banking and Insurance; Rules.

29th District

BAILEY, CHIP

Chairperson, Education; Vice Chairperson, Small Business; Rules; Finance and Taxation/General Fund; Consumer Affairs.

8th District

BARRON, LOWELL

Chairperson, Select Committee on Fiscal Responsibility; Deputy Chairperson, Finance and Taxation/Education Fund; Deputy Chairperson, Finance and Taxation/General Fund; Vice Chairperson, Commerce, Transportation, and Utilities; State Development and Tourism; Small Business.

34th District

BEDSOLE, ANN

Chairperson, Agriculture, Conservation, and Forestry; Vice Chairperson, Education; Judiciary/Criminal Justice and Public Safety; Local Legislation No. 3.

6th District

BOLLING, GEORGE

Chairperson, Consumer Affairs; Health; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Business and Labor Relations.

3rd District

CAMPBELL, RAY

Chairperson, Local Legislation No. 1; Vice Chairperson, Confirmations; Economic Affairs; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities; State Development and Tourism; Industrial Development and Expansion.

28th District**CORBETT, DANNY**

Chairperson, Economic Affairs; Confirmations; Governmental Affairs/State Administration; Small Business; Industrial Development and Expansion; Local Legislation No. 1; Select Committee on Fiscal Responsibility.

21st District**deGRAFFENRIED, RYAN**

Rules; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities.

1st District**DENTON, BOBBY**

Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Industrial Development and Expansion.

13th District**DIAL, GERALD**

Chairperson, Industrial Development and Expansion; Vice Chairperson, Rules; Confirmations. Ex-officio voting member of all other committees except Local Legislation No. 2 and Local Legislation No. 3.

25th District**DIXON, LARRY**

Chairperson, Public Welfare; Vice Chairperson, Governmental Affairs/State Administration; Health; Finance and Taxation/General Fund; Small Business; Industrial Development and Expansion.

14th District**ELLIS, FRANK**

Chairperson, Judiciary/Criminal Justice and Public Safety; Vice Chairperson, Public Welfare; Judiciary/Civil; Governmental Affairs/Local Government; Constitution and Elections.

20th District**ESCOTT-RUSSELL, SUNDRA**

Chairperson, Local Legislation No. 2; Finance and Taxation/Education Fund;

Energy and Natural Resources; Commerce, Transportation, and Utilities.

33rd District

FIGURES, MICHAEL

Chairperson, Local Legislation No. 3; Rules; Finance and Taxation/General Fund; Education.

10th District

FLOYD, JACK

Vice Chairperson, Consumer Affairs; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Judiciary/Civil; Education.

31st District

FOSHEE, CRUM

Chairperson, Confirmations; Chairperson, Commerce, Transportation, and Utilities; Deputy Chairperson, Rules; Vice Chairperson, Energy and Natural Resources; Vice Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation/General Fund; Local Legislation No. 1.

12th District

GHEE, DOUG

Chairperson, Constitution and Elections; Banking and Insurance; Health; Finance and Taxation/Education Fund; Education; Local Legislation No. 1.

4th District

HALE, DON

Chairperson, Rules; Vice Chairperson, Judiciary/Civil; Vice Chairperson, Select Committee on Fiscal Responsibility; Health; Confirmations; Finance and Taxation/General Fund; Governmental Affairs/Local Government; Public Welfare.

11th District

HILL, DELL

Agriculture, Conservation, and Forestry; Consumer Affairs.

18th District

HORN, FRED

Chairperson, Finance and Taxation/Education Fund; Chairperson, Finance

and Taxation/General Fund; Banking and Insurance; Commerce, Transportation, and Utilities; Local Legislation No. 2; Select Committee on Fiscal Responsibility.

26th District

LANGFORD, CHARLES

Chairperson, State Development and Tourism; Finance and Taxation/Education Fund; Governmental Affairs/State Administration; Business and Labor Relations; Commerce, Transportation, and Utilities.

22nd District

LINDSEY, PAT

Vice Chairperson, Economic Affairs; Vice Chairperson, Agriculture, Conservation, and Forestry; Health; Judiciary/Criminal Justice and Public Safety; Judiciary/Civil; Governmental Affairs/Local Government; Energy and Natural Resources; Education.

32nd District

LIPSCOMB, ALBERT

Vice Chairperson, Local Legislation No. 3; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/State Administration; Agriculture, Conservation, and Forestry; Education.

27th District

LITTLE, TED

Vice Chairperson, Constitution and Elections; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/Local Government.

30th District

MITCHELL, WENDELL

Chairperson, Governmental Affairs/State Administration; Vice Chairperson, Local Legislation No. 1; Finance and Taxation/General Fund; Judiciary/Civil; State Development and Tourism.

9th District

MITCHEM, HINTON

Chairperson, Business and Labor Relations; Vice Chairperson, Banking and Insurance; Vice Chairperson, Finance and Taxation/Education Fund;

Rules; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Select Committee on Fiscal Responsibility.

24th District

OWENS, WALTER

Chairperson, Small Business; Vice Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Energy and Natural Resources; Public Welfare; Business and Labor Relations.

17th District

PARSONS, MAC

Chairperson, Judiciary/Civil; Public Welfare; Constitution and Elections; Local Legislation No. 2.

23rd District

SANDERS, HANK

Vice Chairperson, Finance and Taxation/General Fund; Finance and Taxation/Education Fund; Governmental Affairs/State Administration; Governmental Affairs/Local Government; Consumer Affairs; Local Legislation No. 1.

7th District

SMITH, BILL

Vice Chairperson, Business and Labor Relations; Banking and Insurance; Rules; Finance and Taxation/General Fund; Governmental Affairs/State Administration.

2nd District

SMITH, JIM

Chairperson, Health; Vice Chairperson, Judiciary/Criminal Justice and Public Safety; Rules; Finance and Taxation/Education Fund.

19th District

UNDERWOOD, JEFF

Economic Affairs; Constitution and Elections; Local Legislation No. 2.

16th District

WAGGONER, JABO

Vice Chairperson, Health; Finance and Taxation/Education Fund; Energy

and Natural Resources; Education; Local Legislation No. 2.

5th District

WILSON, ROBERT, JR.

Chairperson, Energy and Natural Resources; Health; Finance and Taxation/Education Fund; Judiciary/Civil; Education; Local Legislation No. 1.

35th District

WINDOM, STEVE

Chairperson, Banking and Insurance; Health; Finance and Taxation/General Fund; Energy and Natural Resources; Industrial Development and Expansion; Local Legislation No. 3.

**HOUSE OF REPRESENTATIVES
REGULAR SESSION 1994
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Morris Anderson, 8
David Barnes, 58
John P. Beasley, 85
Jack Biddle, III, 43
Lucius Black, 67
Marcel Black, 2
Harrell Blakeney, 66
W. C. (Bill) Bowling, 12
Michael E. Box, 96
Jenkins Bryant, Jr., 68
Ralph Burke, 24
James E. Buskey, 99
Tom Butler, 6
Johnny T. Cagle, 14
James M. Campbell, 36
Jim Cams, 46
Joe R. Carothers, Jr., 86
Tommy Carter, 5
James S. (Jimmy) Clark, 84
William (Bill) Clark, 98
George H. Clay, 82
Sam Collins, 16
W. F. (Noopie) Cosby, Jr., 70
Bobby C. Crow, 35
James T. Cullins, 81
Johnny L. Curry, 50
Jeff Dolbare, 65
Tom Drake, 11
Steve Flowers, 89
Joe M. Ford, 28
Dewayne Freeman, 21
William P. (Bill) Fuller, 38
Mark L. Gaines, 55
Victor Gaston, 100
J. W. (Joe) Goodwin, 3
Jane Gullatt, 83
Albert Hall, 22
Laura Hall, 19
James H. Hamilton, 4
Seth Hammett, 92
James C. (Jim) Haney, 10
Taylor F. Harper, 105

Bob Harvey, 27
John Hawkins, 48
Clarence Haynes, 32
G. J. (Dutch) Higginbotham, 80
Mike Hill, 41
John R. Hilliard, 60
Thomas E. (Tom) Hogan, 13
Hugh Holladay, 42
Jimmy W. Holley, 91
Alvin Holmes, 78
Perry O. Hooper, Jr., 73
Ronald G. Johnson, 33
Yvonne Kennedy, 103
Al Knight, 40
John F. Knight, Jr., 77
Ken Kvalheim, 101
Richard J. Laird, 37
Allen Layson, 15
Sam Letson, 7
Richard J. Lindsey, 39
Nathan Mathis, 87
Edward B. (E. B.) McClain, 57
W. F. (Frank) McDaniel, 26
Bobbie G. McDowell, 56
Bob McKee, 74
Stephen A. (Steve) McMillan, 95
Bryant Melton, 61
Mike Mikell, 76
Michael J. (Mike) Millican, 17
Johnny Mack Morrow, 18
Albert G. Morton, 45
Charles O. Newton, 90
Demetrius C. Newton, 53
John G. (Jack) Page, 29
Paul Parker, 9
Tim Parker, 63
Arthur Payne, 44
Walter E. Penry, Jr., 94
George Perdue, 54
Tony Petelos, 49
Phil Poole, 62
Horace W. Powell, Sr., 71

Kerry Rich, 25
Ben T. Richardson, 23
Lois M. Rockhold, 104
Frank Rogers, 51
John W. Rogers, Jr., 52
Howard Sanderford, 20
Allen Sanderson, 47
Curtis Smith, 72
Roy E. Smith, 30
Lewis G. Spratt, 59
Nelson R. Starkey, Jr., 1

James L. Thomas, 69
J. E. Turner, 102
Pete Turnham, 79
Jack B. Venable, 31
Claud Walker, 75
James E. (Jimmy) Warren, 64
Frank P. (Skippy) White, 93
Nolan Williams, 88
Gerald Willis, 34
Mary S. Zoghby, 97

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
REGULAR SESSION 1994**

OFFICERS

JAMES S. CLARK, *Speaker*, EUFAULA

JAMES M. CAMPBELL, *Speaker Pro Tempore*, ANNISTON

WILLIAM G. (GREG) PAPPAS, *Clerk*, MONTGOMERY

DON LADNER, *Administrative Assistant*, MONTGOMERY

VANNAH W. NORRELL, *Chief Clerk*, MONTGOMERY

MEMBERS OF THE HOUSE

Dist.	Nos.	Counties & Names	Addresses
	1	LAUDERDALE Nelson R. Starkey, Jr.	301 North Pine Street, Florence 35630
	2	COLBERT Marcel Black	P.O. Box 491, Tuscumbia 35674
	3	COLBERT, LAUDERDALE J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
	4	LAUDERDALE, LIMESTONE James H. Hamilton	Route 3, Box 119, Rogersville 35652
	5	LIMESTONE Tommy Carter	18216 Upper Fort Hampton Road, Elkmont 35620
	6	MADISON Tom Butler	136 Hartington Drive, Madison 35758
	7	LAWRENCE, MORGAN Sam Letson	3980 Highway 36, Moulton 35650

- 8 MORGAN
Morris Anderson 3219 Vicksburg Drive, SW,
Decatur 35603-3109
- 9 MORGAN
Paul Parker 606 Douglas Drive, NW, Hartselle 35640
- 10 MADISON
James C. (Jim) Haney 809 Tannahill Drive,
Huntsville 35802
- 11 CULLMAN, MORGAN
Tom Drake P.O. Box 1165, Cullman 35055
- 12 CULLMAN
W. C. (Bill) Bowling 804 County Road 483,
Hanceville 35077
- 13 WALKER
Thomas E. (Tom) Hogan 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER
Johnny T. Cagle Route 2, Box 105, Nauvoo 35578
- 15 PICKENS, TUSCALOOSA
Allen Layson P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Sam Collins 1019 13th Street, NW, Fayette 35555
- 17 MARION, WINSTON
Michael J. (Mike) Millican Route 1, Box 71,
Hamilton 35570
- 18 FRANKLIN, MARION
Johnny Mack Morrow 709 Carter Street, NE,
Red Bay 35582
- 19 MADISON
Laura Hall P.O. Box 3274, Huntsville 35810
- 20 MADISON
Howard Sanderford 908 Tannahill Drive, SE,
Huntsville 35802-1971

- 21 MADISON
Dewayne Freeman P.O. Box 3069, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P.O. Box 1017, Scottsboro 35768
- 24 DEKALB
Ralph Burke P.O. Box 1564, Rainsville 35986
- 25 MARSHALL
Kerry Rich 1613 Stoddard Drive, SW, Arab 35016
- 26 DEKALB, MARSHALL
W. F. (Frank) McDaniel P.O. Box 577, Albertville 35950
- 27 BLOUNT
Bob Harvey Route 5, Box 4998, Oneonta 35121
- 28 ETOWAH
Joe M. Ford Gadsden State Community College,
P.O. Box 227, Gadsden 35902-0227
- 29 ETOWAH
John G. (Jack) Page 314 Haralson Avenue, Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Roy E. Smith 753 Forrest Avenue, Gadsden 35901
- 31 COOSA, ELMORE
Jack B. Venable P.O. Box 736, Tallassee 36078
- 32 TALLADEGA
Clarence Haynes P.O. Box 1041, Talladega 35160
- 33 TALLADEGA
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- 34 CALHOUN
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- 35 CALHOUN
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- 36 CALHOUN
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- 40 BIBB, SHELBY
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- 41 SHELBY
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- 42 ST. CLAIR
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- 43 JEFFERSON
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- 45 JEFFERSON
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- 46 JEFFERSON
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- 57 JEFFERSON
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- 60 JEFFERSON
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- 62 TUSCALOOSA
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- 63 TUSCALOOSA
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- 67 CHOCTAW, GREENE, SUMTER
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- 69 DALLAS, LOWNDES, WILCOX
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- 82 BULLOCK, MACON
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- 83 RUSSELL
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- 84 BARBOUR, RUSSELL
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- 85 HENRY, HOUSTON
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- 86 HOUSTON
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- 87 GENEVA, HOUSTON
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- 88 DALE
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- 89 DALE, PIKE
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- 90 BUTLER, CRENSHAW
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**STANDING COMMITTEES
OF THE ALABAMA
HOUSE OF REPRESENTATIVES
1994**

RULES

Carter, Chairperson; Ford, Vice Chairperson; Bryant, Buskey, Campbell, Carns, Carothers, Clark (W), Hall (A), Harvey, Haynes, Johnson, McDowell, Petelos, Sanderson, Warren, White.

WAYS AND MEANS

Harper, Chairperson; Turnham, Vice Chairperson; Burke, Collins, Curry, Freeman, Fuller, Hawkins, Kennedy, Knight (J), Mathis, McClain, Parker (T), Penry, Rogers (J), Starkey, Williams.

JUDICIARY

Higginbotham, Chairperson; Rogers (F), Vice Chairperson; Anderson, Barnes, Black (L), Black (M), Box, Campbell, Gaines, Hall (L), Holladay, Johnson, Kvalheim, Newton (D), Petelos.

STATE ADMINISTRATION

Thomas, Chairperson; Haynes, Vice Chairperson; Biddle, Buskey, Collins, Goodwin, Hilliard, Hogan, Holmes, Knight (A), Morrow, Morton, Page, Parker (P), Starkey.

BUSINESS AND LABOR

Beasley, Chairperson; McDaniel, Vice Chairperson; Cagle, Carter, Cullins, Fuller, Gaines, Kennedy, Laird, Layson, McMillan, Melton, Payne, Smith (R), Spratt.

HEALTH

Carothers, Chairperson; Johnson, Vice Chairperson; Beasley, Biddle, Bowling, Butler, Drake, Flowers, Freeman, Hall (A), Haynes, Kvalheim, McClain, McDowell, Rockhold.

BANKING

Zoghby, Chairperson; Hawkins, Vice Chairperson; Beasley, Cosby,

Ford, Gaines, Hammett, Hill, Holladay, Morrow, Newton (C), Perdue, Petelos, Thomas, Walker.

INSURANCE

Flowers, Chairperson; Buskey, Vice Chairperson; Cams, Clay, Haney, Holley, Laird, Lindsey, McDaniel, McKee, Powell, Rockhold, Spratt, Venable, Williams.

EDUCATION

Parker (P), Chairperson; Hawkins, Vice Chairperson; Clark (W), Dolbare, Hill, Holladay, Holmes, Melton, Millican, Morrow, Page, Poole, Powell, Smith (C), Zoghby.

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Lindsey, Chairperson; Smith (C), Vice Chairperson; Barnes, Blakeney, Bryant, Dolbare, Hamilton, Letson, Mathis, Powell, Richardson, Sanderford, Smith (R), Warren, White.

PUBLIC WELFARE

Bryant, Chairperson; Newton (D), Vice Chairperson; Anderson, Cagle, Cullins, Gullatt, Hall (L), Holmes, Mikell, Morton, Page, Parker (P), Perdue, Rich.

CONSTITUTION AND ELECTIONS

McDowell, Chairperson; Campbell, Vice Chairperson; Anderson, Black (M), Bowling, Box, Curry, Flowers, McMillan, Newton (C), Rockhold, Smith (C), Thomas, Venable, Walker.

COMMERCE, UTILITIES AND TRANSPORTATION

Hooper, Chairperson; Box, Vice Chairperson; Black (L), Burke, Cagle, Ford, Gaston, Gullatt, Hammett, Lindsey, Parker (T), Perdue, Rogers (J), Sanderson, Zoghby.

INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

Butler, Chairperson; Kvalheim, Vice Chairperson; Black (M), Cosby, Drake, Harvey, Holley, Hooper, Kennedy, McKee, Newton (D), Rogers (F), Sanderson, Venable, Williams.

LOCAL GOVERNMENT

Gullatt, Chairperson; Warren, Vice Chairperson; Carothers, Hamilton, Higginbotham, Hill, Hilliard, Knight (A), Knight (J), Laird, Letson, Newton (C), Rich, Richardson, Willis.

MILITARY AFFAIRS

Fuller, Chairperson; Turnham, Vice Chairperson; Biddle, Blakeney, Crow, Gaston, Goodwin, Haney, Knight (A), McKee, Mikell, Payne, Sanderford, Walker, Willis.

HIGHWAY SAFETY

Spratt, Chairperson; Rich, Vice Chairperson; Cams, Crow, Curry, Drake, Hall (L), Layson, Morton, Parker (T), Richardson, Rogers (F), Turner, Walker, Willis.

SMALL BUSINESS

McDaniel, Chairperson; Harvey, Vice Chairperson; Blakeney, Clay, Crow, Hilliard, Holley, Layson, Mikell, Millican, Payne, Poole, Sanderford, Smith (R), Turnham.

OIL AND GAS

Gaston, Chairperson; Freeman, Vice Chairperson; Buskey, Butler, Clark (W), Dolbare, Haney, Higginbotham, Hogan, Kvalheim, Millican, Penry, Rogers (J), Turner, White.

TOURISM, ENTERTAINMENT AND SPORTS

Ford, Chairperson; McClain, Vice Chairperson; Barnes, Bowling, Burke, Freeman, Hall (A), Harper, Hooper, Letson, Mathis, Penry, Petelos, Thomas, Williams.

LOCAL LEGISLATION NO. 1

Bowling, Chairperson; Letson, Vice Chairperson; Anderson, Black (L), Collins, Flowers, Fuller, Hammett, Haynes, Mathis, Melton, Morrow, Penry, Starkey, White.

LOCAL LEGISLATION NO. 2

Petelos, Chairperson; Spratt, Vice Chairperson; Barnes, Biddle, Cams,

Curry, Gaines, Hawkins, Hilliard, McClain, McDowell, Morton, Newton (D), Payne, Perdue, Rogers (F), Rogers (J), Sanderson.

LOCAL LEGISLATION NO. 3

Zoghby, Chairperson; Clark (W), Vice Chairperson; Box, Buskey, Gaston, Harper, Kennedy, Kvalheim, Rockhold, Turner.

LOCAL LEGISLATION NO. 4

Hall (A), Chairperson; Freeman, Vice Chairperson; Butler, Hall (L), Haney, Sanderford.

LOCAL LEGISLATION NO. 5

Walker Chairperson; Hooper, Vice Chairperson; Holmes, Knight (J), McKee, Mikell.

LOCAL LEGISLATION NO. 6

Poole, Chairperson; Melton, Vice Chairperson; Cagle, Layson, Parker (T).

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Class 1 and class 2 municipalities must approve alcoholic beverage retail license prior to issuance by alcoholic beverage control board, judicial review of disapproval —

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SB 260, pages 107, 1798

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Handgun violations, state law ordinances, jurisdiction of municipal court —

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Judicial security, judges, judicial employees and their families, assaults, threats, harassment, harassing communication, disruptive conduct, penalties, supreme court power to adopt security rules —

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Minors, ages 14 and above, charged with class A felony, mandatory transfer to criminal court if age 16, discretionary if age 14 to 16 —

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SB 340, pages 164, 642, 2346

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Attorneys, who contract with state to provide legal services, required to agree to be responsible for indigent legal defense in certain instances, forfeiture of compensation —
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Child labor laws rewritten, penalties —
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SB 279, pages 114, 1327, 1650

Colleges and universities, prohibited from granting use of facilities or funds to persons who are violating the law —
SB 596, pages 1369, 1697

Corrections department and pardons and paroles board permitted to perform investigations in domestic violence and related cases, subject to review and findings by hearing officers —
SB 20, pages 21, 224

Crime of violence, to include any felony involving danger or injury to a person —
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Crime victims over age 70, deposition in lieu of live testimony, notice, costs —
HB 407, pages 1131, 1330

Crime victims, rights established —
SB 650, pages 1770, 1857, 2088, 2218, 2345, 2436

Crime victims, rights established, CA —
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Crimes committed where victim is under age 13 or over age 62, when victim is injured, where a deadly weapon or dangerous instrument is used, sentence enhanced —
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Criminal justice information center, may adopt policies concerning arrest and criminal history information that conform to policies of national crime information center of FBI —
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Discrimination in employment based on age, prohibited —
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Driving under the influence, penalty for fourth conviction in five years, class C felony, conditions of sentence, revocation of license, driving privilege after first conviction —
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previously convicted of an offense involving a controlled substance —

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Drugs, sellers who resell to purchasers, causes of action established —

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SB 460, pages 746, 1329, 1718

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SB 509, pages 898, 1622

Firearms and weapons, banned from school property, activities, and transportation, penalties —

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Foreign nationals imprisoned in Alabama, may be transferred to country of citizenship if transfer is pursuant to U. S. treaty —

SB 105, pages 69, 224

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Game and fish, interfering with persons who are legally hunting, trapping, or participating in other legal wildlife recreation, prohibited, class B misdemeanor —

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Handgun violations, state law ordinances, jurisdiction of municipal court —

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Handicapped, license plates, fees, penalties —

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Hate crimes, punishment enhanced upon conviction —

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HB 7, pages 575, 862, 1578, 2356, 2495, Act no. 94-581

Hazardous materials, transportation through tunnels prohibited, penalties —

HB 623, pages 1402, 1684

Human resources department, county department investigation of child abuse or neglect, written notice of final status and disposition shall be given to parent or custodian of child subject to report —
SB 16, pages 20, 224, 664, 705, 790

Hunting from tree stand, legal game except wild turkey, with guns authorized —

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Insurance, fraudulent insurance practices, crime established, false and misleading information regarding insurance, class B misdemeanor —

SB 330, pages 161, 858

Judicial security, judges, judicial employees and their families, assaults, threats, harassment, harassing communication, disruptive conduct, penalties, supreme court power to adopt security rules —
SB 384, pages 205, 643, 1203, 1248

Law enforcement officer, crime of making a false report against, established —

SB 107, pages 70, 641

Law enforcement officers, rights and privileges, receipt and processing of complaints —

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Marine sanitation, residence boats and vessels regulated, environmental management department to administer, boat and marina advisory committee and fund established, penalties, fees —

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Mental health and mental retardation department, may access criminal justice information center for criminal history background on prospective employees —

SB 208, pages 93, 634, 1574, 1575, 1610

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Metal recyclers of nonferrous metals required to keep records, inspection by law enforcement officers, purchases and sales regulated, civil remedies to proper owner, criminal penalties —
SB 82, pages 62, 235, 608, 613, 614

Minors, ages 14 and above, charged with class A felony, mandatory transfer to criminal court if age 16, discretionary if age 14 to 16 —

SB 369, pages 200, 642, 1203, 1219, 1299, 1354, 1650, 1669, 1674, 1674, 1722, 1723, 1725, 1725

HB 433, pages 2007, 2141, 2181, 2476, 2477, 2486, 2491, 2491, 2492, 2605, 2635, Act no. 94-481

Motor fuel marketing act, portion of penalties collected shall go to the office of district attorney which brought the action —

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Motor vehicles under retail installment or lease contracts, subleasing prohibited without consent, penalties —

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Motor vehicles, operation of with tinted windshields prohibited, penalties —

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Murder committed outside a dwelling or while victim is in motor vehicle or the deadly weapon is fired or used within or from a vehicle, capital offenses —

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HB 273, pages 1998, 2141, 2181, 2764, 2787, 2813, Act no. 94-649

Murder of one or more persons during one continuing criminal enterprise, deemed capital offense —

SB 23, pages 22, 1186

Open house parties conducted by minors where drugs or alcoholic beverages are consumed, adults criminally liable —

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Peace officer, crime of assaulting, changed from misdemeanor to a felony —

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Person convicted of a crime where the victim is elderly, handicapped or infirmed, punishment enhanced —
SB 323, pages 127, 862, 1205, 1301

Person driving motor vehicle or operating a boat under the influence, causing the death of another person, commits crime of murder —
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SB 340, pages 164, 642, 2346
SB 472, pages 750, 1684

Prisoners, certain inmates prohibited from participating in work release programs —
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Revenue department, law enforcement officers required to meet peace officers' training and standards commission, criminal tax offenses added to jurisdiction —
SB 565, pages 1277, 1617

Scholarship or grant recipients, giving or receiving anything of value to or by recipient in violation of rules, class C felony —
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Sentencing, additional and total limited to 20 years where no injury or drug trafficking in conviction or previous conviction for those crimes, release of other prisoners —
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Stalking, crime of defined, class C misdemeanor, penalties, sentencing —
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State lottery act established —
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State seal, unlawful to reproduce or use facsimile or print or distribute identification cards without disclaimers, penalties —
SB 549, pages 1166, 1330, 1651
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Sunshine law, entities falling under may go into executive session to obtain advice from an attorney or to discuss sale or purchase of real estate —
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Talladega college, persons employed as police officers granted police powers, qualifications required —
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SB 613, page 1506
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University of Alabama police officers, arrest powers regulated —
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Workers' compensation, filing of false statements, class C felony —
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Worthless checks, service charge increased —
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Wrongful death of minor, noncustodial parent may recover portion of damages —
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May adopt policies concerning arrest and criminal history information that conform to policies of national crime information center of FBI —

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Mental health and mental retardation department, may access criminal justice information center for criminal history background on prospective employees —

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HB 144, pages 1735, 1846, 2402, 2495, Act no. 94-583

Revenue department, retiring law enforcement officers may keep badge and gun —

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Attorneys, who contract with state to provide legal services, required to agree to be responsible for indigent legal defense in certain instances, forfeiture of compensation —

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SB 328, pages 161, 642, 1222, 1248, 1354, 1557, 1608

Colleges and universities, prohibited from granting use of facilities or funds to persons who are violating the law —

SB 596, pages 1369, 1697

Corrections department and pardons and paroles board permitted to perform investigations in domestic violence and related cases, subject to review and findings by hearing officers —

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Crime of violence, to include any felony involving danger or injury to a person —

SB 600, page 1370

Crime victims over age 70, deposition in lieu of live testimony, notice, costs —

HB 407, pages 1131, 1330

Crime victims, rights established —

SB 650, pages 1770, 1857, 2088, 2218, 2345, 2436

Crime victims, rights established, CA —

SB 513, pages 899, 1186, 1538, 2129

HB 688, pages 1760, 1858, 2088, 2129, 2143, Act no. 94-349

Criminal justice information center, may adopt policies concerning arrest and criminal history information that conform to policies of national crime information center of FBI —

HB 482, pages 1765, 1858, 2358, 2359, 2493, Act no. 94-578

Driving under the influence, reduction of blood alcohol level to presume DUI, suspension of driver's license for certain violations or refusal to take blood alcohol test —

SB 112, pages 71, 641

Ethics violations, allegations of, investigated by special prosecutor appointed by court —

SB 509, pages 898, 1622

Game and fish, interfering with persons who are legally hunting, trapping, or participating in other legal wildlife recreation, prohibited, class B misdemeanor —

SB 9, pages 18, 142, 665, 731, 732, 790, 1916, 1948, 1994, Act no. 94-321

Hate crimes, punishment enhanced upon conviction —

SB 2, pages 17, 142

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HB 7, pages 575, 862, 1578, 2356, 2495, Act no. 94-581

Indigent defense services, contract counsel system, county use —

SB 86, pages 63, 224, 664, 667, 668

Insurance, fraudulent insurance practices, crime established, false and misleading information regarding insurance, class B misdemeanor —

SB 330, pages 161, 858

Minors, ages 14 and above, charged with class A felony, mandatory

transfer to criminal court if age 16, discretionary if age 14 to 16 —

SB 369, pages 200, 642, 1203, 1219, 1299, 1354, 1650, 1669, 1674, 1674, 1722, 1723, 1725, 1725

HB 433, pages 2007, 2141, 2181, 2476, 2477, 2486, 2491, 2491, 2492, 2605, 2635, Act no. 94-481

Murder committed outside a dwelling or while victim is in motor vehicle or the deadly weapon is fired or used within or from a vehicle, capital offenses —

SB 269, pages 112, 641, 1299

HB 273, pages 1998, 2141, 2181, 2764, 2787, 2813, Act no. 94-649

Sentencing, additional and total limited to 20 years where no injury or drug trafficking in conviction or previous conviction for those crimes, release of other prisoners —

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Stalking, crime of defined, class C misdemeanor, penalties, sentencing —

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Trials of criminal defendants, to be held within 90 days of indictment —

SB 48, page 28

University of Alabama police officers, arrest powers regulated —

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Youth services department authorized to appoint or employ police officers —

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Board of funeral services, persons with 10 or more consecutive years service exempt from funeral directors' exam —

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SB 278, page 114

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Firefighters, who die in line of duty from hazardous material spills, hepatitis or AIDS are compensated the same as if killed in line of duty —

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cal schools included, CA —****SB 411, page 277****Postsecondary evaluation and review commission established to re-
align or close junior colleges, vocational schools, and technical
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Lead reduction act of 1994 established —

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Marine environmental sciences consortium, chief executive officer of member institution may designate replacement to serve on board —

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Marine sanitation, residence boats and vessels regulated, environmental management department to administer, boat and marina advisory committee and fund established, penalties, fees —

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Environmental laboratory certification act established —

SB 281, pages 115, 645, 1204, 1300, 1542, 1543, 1611

Fisherman's right to know act established —

SB 277, pages 114, 645

Marine sanitation, residence boats and vessels regulated, environ-

mental management department to administer, boat and marina advisory committee and fund established, penalties, fees —
SB 508, page 898

Solid waste collection, counties and municipalities required to provide services by January 1, 1995 —
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Ethics law revised, may investigate on own initiative, subpoena power,
anonymous complaints investigated, financial disclosures —
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State superintendent of education, appointed by governor, CA —

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Health insurance, retired education employees, increase in contributions —
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Health insurers, denial of enrollment of individual based on medicaid eligibility, prohibited —
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Health networks authorized, midlevel health practitioners may per-

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Hospitals and health maintenance organizations, certificate of need review, level of expenditures raised —
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Hotels required to install and maintain smoke detector device that has a primary source of power supplied by the electrical system of the building —
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Mental health officers, may be appointed by probate judge to examine a respondent during involuntary commitment proceedings —
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Child support, parent, guardian, or human resources department may bring civil action for child support that is past due —
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County department investigation of child abuse or neglect, written notice of final status and disposition shall be given to parent or custodian of child subject to report —
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Health insurance, state agency shall be able to garnish wages or withhold tax refunds —
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Health insurers, denial of enrollment of individual based on medicaid eligibility, prohibited —
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Health networks authorized, midlevel health practitioners may perform certain functions, physician recruitment and placement, rural health center and program established —

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Health networks authorized, midlevel health practitioners may perform certain functions, physician recruitment and placement, rural health center and program established —

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Candidates for state offices, period of time for accepting campaign contribution —

SB 109, pages 70, 1135

Code of Alabama, contract not subject to competitive bid laws, code commissioner to copyright, legislative council and publisher set sale price, compilations regulated, distribution altered —

SB 638, pages 1677, 1870

Voter registration, implementation of "motor-voter" federal act —
SB 101, pages 68, 144, 665, 730, 737, 791

SELF-HELP BUSINESS IMPROVEMENT DISTRICTS

Municipalities may establish, assessments imposed —
SB 465, pages 747, 869, 1298, 1338, 1347, 1348, 1350, 1355

SELMA UNIVERSITY

Board of trustees, membership increased —
SB 40, pages 26, 197, 666, 736

SENIOR CITIZENS HALL OF FAME

Membership and quorum —
HB 496, page 2148

SENTENCING

Additional and total limited to 20 years where no injury or drug trafficking in conviction or previous conviction for those crimes, release of other prisoners —
SB 557, page 1168

Stalking, crime of defined, class C misdemeanor, penalties, sentencing —
SB 47, page 28

SENTENCING INSTITUTE

Appropriation —
HB 316, pages 1583, 1695, 1898, 1973, 2098, Act no. 94-472

SEVERANCE TAX

Auxiliary state forests, program abolished —
SB 54, page 29

SEXUAL ABUSE

Children, physical abuse, procedures for under age 16 same as for crimes of sexual abuse —
HB 527, pages 1668, 1857, 2764, 2790, 2816, Act no. 94-704

SHERIFFS

Chair of county commissions and probate judges, compensation —
SB 478, pages 819, 1331, 1898, 1989, 2383, 2435

Gun buy-back program established, appropriation —
SB 546, page 1082

Motor vehicles, limited use of antique tags, county issuance, fee increased —
SB 461, pages 746, 1183

Receipt of federal prisoners and fugitive prisoners, costs reimbursed, contracts for care of prisoners, jail maintenance, pistol permits —
SB 604, pages 1371, 1802, 1898, 1983, 2096

Supernumerary positions, establishment prohibited, may participate in employees' retirement system, CA —
SB 25, page 22
HB 58, pages 589, 650, 1651, 2477, 2763, 2774, 2775, 2780, 2793, Act no. 94-607

SHOALS ENTREPRENEURIAL CENTER

Appropriation —
SB 153, page 81
HB 185, pages 214, 637, 788, 886, 927, 1064, 1090, Act no. 94-174

SHRIMPING

Shrimping industry, regulations regarding poundage, location of catches, licensing —
SB 329, pages 161, 1189, 1523, 1524, 1550, 2728, 2766, 2862, Act no. 94-618

SHRINERS

Distinctive license plates —
HB 2, pages 757, 1191, 2811, 2822, 2843, 2847, Act no. 94-695

SICK LEAVE

Educational employees, sick leave and transfer of sick leave provided for —
SB 637, pages 1677, 1803, 2349, 2437

Teachers' sick leave, support personnel sick leave, teachers' and support personnel personal leave, supplemental appropriation —
SB 100, pages 67, 860, 1203, 1257

SICKLE CELL EDUCATION PROGRAM

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SB 152, page 81

SB 284, page 116

HB 255, pages 1586, 1694, 1898, 1972, 2098, Act no. 94-364

SIMPSON-MAY CEREBRAL PALSY CENTER

United cerebral palsy of Alabama, united cerebral palsy development center, united cerebral palsy of Huntsville and Mobile, cerebral palsy housing foundation, Simpson-May cerebral palsy center, appropriation —

SB 183, page 87

HB 225, pages 1430, 1693, 1897, 1968, 2097, Act no. 94-359

SMALL BUSINESS

Enterprise zone act, applicable to businesses employing three or more, notwithstanding rules of economic and community affairs department —

SB 306, page 122

HB 431, pages 1740, 1851

John Buskey minority and entrepreneurial business act of 1994 established —

SB 555, page 1168

SMOKING

Clean indoor air act established —

SB 353, pages 167, 1289

Prevention of youth access to tobacco act of 1994 established —

SB 90, page 64

SB 514, pages 900, 1051, 2399, 2400

SOCIAL WORKERS, BOARD OF EXAMINERS OF

Licensing of bachelor social workers, education qualifications, altered —

HB 258, pages 634, 1133, 1204, 1300, 2764, 2789, 2843, 2847,
Act no. 94-639

SOIL AND WATER CONSERVATION COMMITTEE

Executive secretary compensation to be set by committee —
SB 622, pages 1612, 1847

SOLID WASTE

Collection, counties and municipalities required to provide services
by January 1, 1995 —
SB 482, page 820
SB 500, pages 824, 1334

Hazardous materials, transportation through tunnels, prohibited, penalties, provided —
HB 623, pages 1402, 1684

Recycling industry and market council established —
SB 488, pages 822, 1191

SOUTHERN REGIONAL EDUCATIONAL BOARD

Postsecondary educational institutions, state allocation not to be less
than eighty percent of institutions in southern regional educational board —
SB 476, page 751

SPACE SCIENCE EXHIBIT COMMISSION

Appropriation —
SB 180, page 87
HB 201, pages 1403, 1689, 2086, 2216, 2225, 2761, 2794, Act
no. 94-674

SPARKS STATE TECHNICAL COLLEGE

Ingram state community college and, supplemental appropriation —
HB 226, pages 1584, 1693, 2087, 2217, 2249, 2250, 2331, 2493,
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SPECIAL EDUCATIONAL TRUST FUND

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SB 188, page 89
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2155, 2267, 2325, 2330, 2483, Act no. 94-470

Education, equitable system established —
SB 585, page 1317

Forever wild land trust fund, percentage of trust income reallocated
to special educational trust fund for educational purposes, CA —
SB 15, page 20

Gadsden state community college and Alabama state university,
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HB 44, pages 1131, 1687, 2087, 2217, 2247, 2266, Act no. 94-
479

Postsecondary educational institutions, state allocation not to be less
than eighty percent of institutions in southern regional educa-
tional board —
SB 476, page 751

Proration reduction trust fund established, CA —
SB 451, pages 629, 1183, 1515, 1551

Teachers' sick leave, support personnel sick leave, teachers' and sup-
port personnel personal leave, supplemental appropriation —
SB 100, pages 67, 860, 1203, 1257

SPECIAL SCHOOLS

Appropriation —
SB 179, page 87
HB 200, pages 1423, 1688, 1896, 1943, 1944, 2626, 2707, 2817,
Act no. 94-682

SPEECH THERAPISTS

Audiologists and speech therapists services, insurance reimburse-
ment —
SB 642, page 1679

SPEED LIMITS

Unpaved roads, maximum speed limit, 25 miles per hour —
SB 37, pages 26, 235, 609, 620, 2722, 2766, 2862, Act no. 94-
617

SPORTS

Football playoffs conducted by primary and secondary public schools,

tax exemption, continued collection and retention of funds by collecting school —
HB 291, pages 1145, 1695, 2087, 2217, 2253, 2319, 2482, Act no. 94-529

West Alabama sports association established —
SB 494, page 823

SPORTS FESTIVAL

Appropriation —
SB 151, page 80

SPORTS HALL OF FAME

Birmingham football foundation and sports hall of fame board, members and dependents, eligible for coverage under teachers' retirement system and state employees' health insurance plan —
SB 261, page 107
SB 436, pages 572, 1183, 1569

Sports hall of fame, officers and employees eligible for membership in teachers' retirement system, purchase of past service credit authorized —
SB 432, page 570

SPOUSE ABUSE

Corrections department and pardons and paroles board, permitted to perform investigations in domestic violence and related cases, subject to review and findings by hearing officers —
SB 20, pages 21, 224

STALKING

Crime of defined, class C misdemeanor, penalties, sentencing —
SB 47, page 28

STATE AGENCIES

Aeronautics commission, director of ethics commission added to membership —
SB 524, page 928

Athletic agents regulatory commission, secretary of state added to board to supervise registration —
SB 283, pages 116, 235, 664, 674, 794

Board of registration for foresters, revocation of non-renewed licenses, administrative fine provisions clarified, sunset law review continued —

SB 198, pages 91, 233, 763, 764, 792, 1220, 1249, 1272, Act no. 94-130

Child care commission established —

SB 443, pages 574, 649

SB 444, pages 574, 634

Chiropractors examiners board, election of members, board reorganization, quorum —

SB 81, pages 62, 231, 1563, 1564, 1609

Committee of public health under state health officer, to administer disability determination and crippled children's services, department of education removed —

SB 254, page 106

Conditional appropriation —

SB 138, page 78

Construction contracts, minimum limit set for state, county, and municipal governments —

SB 309, page 123

Education budget, appropriation —

SB 188, page 89

HB 193, pages 1364, 1381, 1412, 1434, 1436, 1504, 1510, 1681, 2155, 2267, 2325, 2330, 2483, Act no. 94-470

Educational television commission, may dispose of surplus broadcasting and production equipment —

SB 294, page 119

Ethics law revised, may investigate on own initiative, subpoena power, anonymous complaints investigated, financial disclosures —

SB 427, pages 569, 1138

SB 467, pages 748, 1136

Finance department, air transportation division, equipment transferred to transportation department —

HB 748, pages 2149, 2182, 2807, 2821, Act no. 94-689

Finance department, telecommunications division, sunset law review continued —

SB 118, pages 73, 232, 761, 1220, 1249, 1272, Act no. 94-128

Funds of government entities including the state and its agencies, investment regulated —

SB 267, pages 111, 190

HB 257, page 1144

General fund budget, appropriation —

SB 189, page 89

HB 172, pages 198, 640, 787, 795, 885, 886, 889, 890, 890, 917, 918, 920, 923, 924, 930, 931, 1339, 2509, 2636, Act no. 94-486

Hearing aid dealers board, renamed hearing instrument dealers board, sunset law review continued —

SB 200, pages 91, 233, 765, 793, 1282, 1304, 1310, Act no. 94-180

Liquefied petroleum gas board, provisions revised —

SB 398, pages 245, 869, 1205, 1300, 1302, 1527, 1528

HB 293, pages 1145, 1332, 1527, 1591, Act no. 94-211

Mental health and mental retardation department, may access criminal justice information center for criminal history background on prospective employees —

SB 208, pages 93, 634, 1574, 1575, 1610

HB 144, pages 1735, 1846, 2402, 2495, Act no. 94-583

Oil and gas board, sunset law review continued until October 1, 1995 —

SB 197, pages 91, 232, 763, 1283, 1397, 2156, 2325, 2439, 2640, Act no. 94-593

Plumbers and gas fitters examining board, appointment of deputy director, duties, compensation —

SB 5, pages 18, 146, 609, 619

Public service commission, expense allowance converted to salary, future recommendation by personnel board subject to governor's approval —

SB 367, pages 171, 646, 1205, 1299, 1354, 1415, 1650, 2085, 2111, 2127, 2144, 2683, 2686, 2688, Act no. 94-610

Radiation control agency, sunset law review continued —

SB 196, pages 90, 232, 762, 1220, 1249, 1272, Act no. 94-129

Rehabilitation services department and board of rehabilitation services established —

SB 628, pages 1614, 2179

HB 627, pages 2147, 2451

Soil and water conservation committee, executive secretary compensation to be set by committee —

SB 622, pages 1612, 1847

State docks, employees on L-payroll given credited service and made state employees and members of employees' retirement system, docks department and personnel department to coordinate —

SB 517, pages 900, 1619

State employees protection act established —

SB 313, pages 124, 236, 664, 673, 1673, 1706, 1766, Act no. 94-244

Surface mining commission, two-term limit, reference to abolished legislative oversight subcommittee deleted, sunset law review continued —

SB 199, pages 91, 233, 780, 781, 792, 1219, 1249, 1272, Act no. 94-131

Women's hall of fame board, quorum, limit on annual appropriation deleted —

SB 409, pages 276, 644, 2403, 2404

HB 617, pages 2145, 2661, 2811, 2835, 2841, Act no. 94-687

STATE COUNCIL ON THE ARTS

Employees' retirement system, reopened for prior service with —

SB 11, page 19

SB 387, pages 242, 860, 1415

HB 474, pages 2337, 2449, 2734, 2848, 2858, Act no. 94-722

STATE DOCKS

Employees on L-payroll given credited service and made state employees and members of employees' retirement system, docks department and personnel department to coordinate —

SB 517, pages 900, 1619

Pilot program for certain merit system employees regarding retirement incentives, governor may extend program to other departments —

SB 333, pages 162, 1182

State docks property in Madison county, to be conveyed to Huntsville-Madison county marina and port authority, CA —

HB 704, pages 1380, 1867, 2060, 2122, Act no. 94-347

State docks property in Tuscaloosa county, transferred to Northport dock authority, CA —

SB 272, pages 112, 1622

SB 273, pages 113, 1622

HB 82, pages 1143, 1624

STATE EMPLOYEES

Assault of a state employee by prison inmate, class C felony —

SB 136, pages 77, 225

Attorney general, employment of additional investigators authorized —

SB 598, pages 1369, 1621

Cost-of-living salary increase, beginning October 1, 1994, appropriation —

SB 69, page 58

Education budget, appropriation —

SB 188, page 89

HB 193, pages 1364, 1381, 1412, 1434, 1436, 1504, 1510, 1681, 2155, 2267, 2325, 2330, 2483, Act no. 94-470

Educational television commission, members to receive the same per diem as other state employees, daily meeting allowance increased —

SB 296, pages 119, 1182

Employees' retirement system, reopened for prior service with state arts council —

SB 11, page 19

SB 387, pages 242, 860, 1415

HB 474, pages 2337, 2449, 2734, 2848, 2858, Act no. 94-722

Employees' retirement system, temporary full-time employees may

purchase service credit, subject to certain conditions, members must pay total cost of service —
SB 307, page 122

Ethics commission, reports and statements filed with, copies authorized to be made —
SB 601, pages 1370, 1623, 1719

Ethics law revised, may investigate on own initiative, subpoena power, anonymous complaints investigated, financial disclosures —
SB 427, pages 569, 1138
SB 467, pages 748, 1136

Ethics law substantially altered —
SB 320, pages 126, 1137, 1718, 1726, 1733, 1751, 1754, 1767, 1767, 1803, 1806, 1808, 1814

Finance director, establish compensation fund for injured state employees —
SB 211, pages 94, 1848
HB 305, pages 2144, 2180, 2764, 2784, 2815, Act no. 94-680

General fund budget, appropriation —
SB 189, page 89
HB 172, pages 198, 640, 787, 795, 885, 886, 889, 890, 890, 917, 918, 920, 923, 924, 930, 931, 1339, 2509, 2636, Act no. 94-486

Law enforcement officers prohibited from engaging in political activities during work hours —
SB 33, pages 24, 863, 1206, 1301, 1577, 1607

Layoffs, 45 days' notice and one-half accumulated sick leave payable —
SB 68, page 58

Local legislative delegation offices, credit for prior service for longevity pay purposes —
HB 282, pages 2632, 2660, 2763, 2773, 2802, Act no. 94-717

Merit system state employees, dismissal procedures —
SB 96, pages 66, 864, 1206, 1301

Military, leave of absence with pay, converted from 21 days to 168 hours —
SB 26, pages 23, 234
HB 372, pages 1156, 1333, 2812, 2853

Payment directly to contract facilities to be made when fighting forest fires or other emergencies —

SB 370, pages 201, 759

HB 267, pages 1156, 2448, 2811, 2850, 2861, Act no. 94-643

Retired state employees and teachers, cost-of-living increase —

SB 72, pages 59, 914, 1203, 1213

SB 495, page 823

HB 227, pages 1588, 1693, 2086, 2152, 2320, 2481, Act no. 94-591

Salary increase —

SB 187, pages 88, 639, 787, 816, 817, 883, 884, 2608, 2631, 2641, Act no. 94-488

State docks, employees on L-payroll given credited service and made state employees and members of employees' retirement system, docks department and personnel department to coordinate —

SB 517, pages 900, 1619

State docks, pilot program for certain merit system employees regarding retirement incentives, governor may extend program to other departments —

SB 333, pages 162, 1182

State employees protection act established —

SB 313, pages 124, 236, 664, 673, 1673, 1706, 1766, Act no. 94-244

State merit system, provisional appointments, term —

SB 257, page 106

Statement of economic interests, income categories expanded, homesteads included —

SB 248, pages 104, 1621

Youth services department authorized to appoint or employ police officers —

HB 542, pages 1395, 1685

STATE EMPLOYEES PROTECTION ACT

Established —

SB 313, pages 124, 236, 664, 673, 1673, 1706, 1766, Act no. 94-244

STATE FIRE MARSHAL

Supplemental appropriation to insurance department for —

HB 320, pages 1157, 1329, 2087, 2217, 2335, 2494, Act no. 94-543

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Coalition against domestic violence, incorporated, membership standards adopted —

SB 279, pages 114, 1327, 1650

Education budget, appropriation —

SB 188, page 89

HB 193, pages 1364, 1381, 1412, 1434, 1436, 1504, 1510, 1681, 2155, 2267, 2325, 2330, 2483, Act no. 94-470

Funds of government entities including the state and its agencies, investment regulated —

SB 267, pages 111, 190

HB 257, page 1144

John Buskey minority and entrepreneurial business act of 1994 established —

SB 555, page 1168

Legislature required to provide funding for certain laws, CA —

SB 110, pages 70, 145, 1300, 1353, 1363, 1364, 1420, 1428, 1430, 1431, 1433

Proration prevention account, repealed —

SB 181, page 87

STATE GOVERNMENT

Legislative commission on total quality government act of 1994 established —

SB 437, pages 573, 759, 1202, 1212

HB 46, pages 1132, 1618, 2398, 2493, Act no. 94-597

STATE HEALTH OFFICER

Committee of public health under state health officer, to administer disability determination and crippled children's services, department of education removed —

SB 254, page 106

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

Health care facilities, increase in bed number, removing certificate of need requirement —

SB 481, pages 820, 1050, 1338, 1340

HB 611, pages 1142, 1288, 1415, 1650, 1652, 1673, 1718, Act no. 94-209

Supplemental appropriation —

HB 547, pages 1158, 1329, 1896, 1918, 1937, Act no. 94-319

STATE LOTTERY ACT

Established —

SB 206, page 93

STATE OF ALABAMA

Choctaw Indians and state of Alabama, sovereign relationship between, defined and reaffirmed —

SB 89, pages 64, 235

State seal, unlawful to reproduce or use facsimile or print or distribute identification cards without disclaimers, penalties —

SB 549, pages 1166, 1330, 1651

HB 675, pages 2638, 2657, 2813, 2854, 2861, Act no. 94-716

STATE OFFICERS

Ethics commission, reports and statements filed with, copies authorized to be made —

SB 601, pages 1370, 1623, 1719

Ethics law revised, may investigate on own initiative, subpoena power, anonymous complaints investigated, financial disclosures —

SB 427, pages 569, 1138

SB 467, pages 748, 1136

Ethics law substantially altered —

SB 320, pages 126, 1137, 1718, 1726, 1733, 1751, 1754, 1767, 1767, 1803, 1806, 1808, 1814

State employee injury compensation program, finance director may establish —

SB 211, pages 94, 1848

HB 305, pages 2144, 2180, 2764, 2784, 2815, Act no. 94-680

Statement of economic interests, income categories expanded, home-
steads included —

SB 248, pages 104, 1621

STATE PLANNING AND FEDERAL PROGRAMS OFFICE

Community development fund established for financing community
development projects —

SB 35, page 25

STATE PROPERTY

Board of pardons and paroles, first preference in 300 passenger auto-
mobiles of surplus state property —

SB 123, page 74

Energy policy act of Alabama of 1994 established —

SB 243, pages 103, 644, 1207, 1896, 1924, 1955

State-owned motor vehicles, purchase of certain optional equipment
prohibited —

SB 124, pages 74, 197

STATE SUPERINTENDENT OF EDUCATION

Appointed by governor —

SB 238, page 102

STATE TREASURER

Community development fund established for financing community
development projects —

SB 35, page 25

STATUTE OF LIMITATIONS

Alabama regulatory impact act of 1994 established —

SB 349, pages 166, 1189

Prisoners sentenced for less than life terms, civil disabilities and op-
eration of statute of limitations removed for civil actions and other
property rights —

SB 77, pages 61, 226, 665, 729

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Driver's license, suspended or application denied of a student suspended for possession of weapon or controlled substance —
SB 249, page 104

Motor vehicle insurance, discounts for drivers who complete safe driver courses or students who maintain certain grades —
SB 441, pages 574, 860

Uniform dress program, local school boards authorized to implement —
SB 49, pages 28, 645, 1205, 1301, 1435, 1535, 1550

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County commissions, regulation of subdivisions to include mobile home parks, inspectors, fees, penalties —
SB 115, pages 72, 156, 649, 1560, 1561, 1609

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Board of registration for foresters, revocation of non-renewed licenses, administrative fine provisions clarified, sunset law review continued —
SB 198, pages 91, 233, 763, 764, 792, 1220, 1249, 1272, Act no. 94-130

Finance department, telecommunications division, sunset law review continued —
SB 118, pages 73, 232, 761, 1220, 1249, 1272, Act no. 94-128

Hearing aid dealers board, renamed hearing instrument dealers board, sunset law review continued —
SB 200, pages 91, 233, 765, 793, 1282, 1304, 1310, Act no. 94-180

Oil and gas board, sunset law review continued until October 1, 1995 —
SB 197, pages 91, 232, 763, 1283, 1397, 2156, 2325, 2439, 2640, Act no. 94-593

Radiation control agency, sunset law review continued —
SB 196, pages 90, 232, 762, 1220, 1249, 1272, Act no. 94-129

Surface mining commission, two-term limit, reference to abolished legislative oversight subcommittee deleted, sunset law review continued —

SB 199, pages 91, 233, 780, 781, 792, 1219, 1249, 1272, Act no. 94-131

SUNSHINE LAW

Entities falling under may go into executive session to obtain advice from an attorney or to discuss sale or purchase of real estate —

SB 94, pages 65, 640

SUPERINTENDENT OF BANKS

Banks, only disclosure required under mini code are the ones required by superintendent of banks —

SB 419, pages 314, 602, 664, 666, 1069, 1075, 1212, 1220, 1272, Act no. 94-115

Salary set by governor with range established by state banking board —

SB 562, pages 1276, 1616, 2400, 2436

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County ad valorem tax officials, may transfer into employees' retirement system or appropriate county retirement system, CA —

SB 58, pages 30, 143

HB 100, pages 588, 650, 2477, 2776, 2779, 2849, 2858, Act no. 94-612

Judges qualifications —

SB 348, pages 166, 639, 1203, 1258

Positions prohibited, may participate in employees' retirement system, CA —

SB 25, page 22

HB 58, pages 589, 650, 1651, 2477, 2763, 2774, 2775, 2780, 2793, Act no. 94-607

Tax assessors, tax collectors, revenue commissioners, and license commissioners, compensation and contribution to program, surviving spouse benefits increased —

SB 60, pages 31, 143, 1204, 1260, 1263, 1305, 2327, 2439, 2640, Act no. 94-592

SURFACE MINING COMMISSION

Two-term limit, reference to abolished legislative oversight subcommittee deleted, sunset law review continued —

SB 199, pages 91, 233, 780, 781, 792, 1219, 1249, 1272, Act no. 94-131

SURPLUS PROPERTY

Board of pardons and paroles, first preference in 300 passenger automobiles of surplus state property —

SB 123, page 74

TALLADEGA COLLEGE

Appropriation —

SB 166, page 84

HB 197, pages 1404, 1688, 1896, 1914, 1915, 1937, Act no. 94-316

Persons employed as police officers granted police powers, qualifications required —

SB 285, pages 116, 191, 665, 718

HB 398, pages 587, 863, 2419, 2604, 2635, Act no. 94-587

TANNEHILL FURNACE AND FOUNDRY COMMISSION

Renamed the Alabama historic ironworks commission, scope of authority broadened —

SB 113, pages 72, 603, 1204, 1300, 2422

TANNEHILL LEARNING CENTER

Appropriation —

SB 234, page 100

TAX ASSESSORS AND COLLECTORS

Supernumerary county ad valorem tax officials, may transfer into employees' retirement system or appropriate county retirement system, CA —

SB 58, pages 30, 143

HB 100, pages 588, 650, 2477, 2776, 2779, 2849, 2858, Act no. 94-612

Supernumerary revenue commissioners, license commissioners and, compensation and contribution to program, surviving spouse benefits increased —

SB 60, pages 31, 143, 1204, 1260, 1263, 1305, 2327, 2439, 2640, Act no. 94-592

TAXATION

Alabama educational resource agency, sales and use tax exempt —
SB 14, page 20

Auxiliary state forests, program abolished —
SB 54, page 29

Bar pilots, license fee increased —
SB 470, pages 749, 1184

Birmingham Broadway series, exempt from state, county and municipal sales and use taxes —
SB 588, page 1366

Birmingham civil rights institute, exempt from state, county, and municipal income, license, and sales and use taxes —
SB 305, page 122

Birmingham summerfest, incorporated, exempt from state, county, and municipal income, license, and sales and use taxes —
SB 312, page 124

Boat trailers, exempt from motor vehicle licenses —
SB 395, pages 244, 602, 1302, 1562, 1563

Camp Alamisco, exempt from all state, county, and municipal sales and use taxes —
SB 204, pages 92, 860, 1354, 1529

Camp smile-a-mile, sales and use tax exempt —
SB 346, page 166

Children's village, exempt from all state, county, and municipal sales and use taxes —
SB 620, page 1508

City stages, incorporated, sales and use tax exempt —
SB 310, page 123

Compact for leadership and citizenship education established, tax exemption, appropriation —

SB 516, pages 900, 1051, 1204, 1299, 1358, 2611, 2630, 2641,
Act no. 94-482

Confederate soldiers and sailors, tax relief of needy, portion of surplus to Alabama veterans foundation and the Alabama national guard historical society, appropriation —

SB 679, page 2221

County or municipal corporation prohibited from levying or collecting occupational tax upon nonresidents, CA —

SB 547, page 1082

Deeds filed in probate office for recordation, address of grantee required —

SB 271, pages 112, 864, 1205, 1300, 1650, 1897, 1960, 1981,
2124

Discount granted for affixing tobacco stamps, not applicable to county tobacco stamps —

SB 203, pages 92, 140

Durable power of attorney, power to give gifts based on principal's prior gift-giving —

SB 658, pages 1773, 1856, 2476, 2508

Education, legislature shall establish an adequate and efficient system of public education and provide funding, CA —

SB 53, page 29

Education, equitable system established —

SB 585, page 1317

Education, uniform funding of public schools, CA —

SB 584, page 1316

Exported alcoholic beverages, exempt from taxation —

SB 391, page 243

First Christian church of Birmingham, incorporated, Hargis Christian retreat, tax exempt —

SB 236, page 101

Football playoffs conducted by primary and secondary public schools,

tax exemption, continued collection and retention of funds by collecting school —

HB 291, pages 1145, 1695, 2087, 2217, 2253, 2319, 2482, Act no. 94-529

Gas tax, imposed by counties and municipalities based on gross receipts less federal and state taxes levied —

SB 536, pages 1079, 1849, 2085, 2112, 2126

Habitat incorporated of Alabama, exempt from all state, county, and municipal sales and use taxes —

SB 619, page 1508

Handicapped, license plates, fees, penalties —

SB 454, page 630

Income tax, individual taxpayer deduction adjusted —

SB 268, pages 111, 1182

Industrial development, tax credit disallowed for loss of employment to Alabama residents —

SB 602, page 1370

International fuel tax agreement, revenue department authorized to enter into —

HB 248, pages 213, 636, 1353, 2354, 2604, 2634, Act no. 94-586

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HJR 86, pages 598, 656, Act no. 94-70

Allen, corporal Willie, of Mobile, commended on the occasion of his retirement from the Mobile police department —
HJR 170, pages 1172, 1253, Act no. 94-145

Anglin, mr. Lum, of Tillman's Corner, commended for outstanding service rendered to the international order of the Rainbow for girls —
HJR 254, pages 1782, 1809, Act no. 94-276

Ashbee, dr. J. C. Ashbee, of Mobile, commended as optometrist of the year —

SJR 5, pages 7, 172, 197, 240, Act No. 94-23

Astafan, major general Nora A., of Oakmont, commended as being the highest ranking female in the United States military —

HJR 12, pages 138, 174, Act no. 94-11

Auburn university football team, commended on its spectacular 1993 season —

HJR 182, pages 1279, 1306, Act no. 94-183

Bedsole, senator Ann, of Mobile, commended upon her selection as 1993 Mobilizer of the year —

SJR 110, pages 1874, 2101, 2109, 2160, Act No. 94-350

Belgreen high school bulldogs basketball team, commended on an outstanding 1993-94 season —

HJR 263, pages 1782, 1810, Act no. 94-277

Black, judge George A., of Geneva county, commended for distinguished service —

HJR 89, pages 600, 656, Act no. 94-73

Blackwell, mr. and mrs. Herman G., of Etowah county, commended on the occasion of their 65th wedding anniversary —

HJR 183, pages 1281, 1306, Act no. 94-184

Boothe, dr. John Robert, jr., of Dothan, commended for distinguished professional achievement and service —

SJR 9, pages 128, 320, 418, 625, Act No. 94-54

Bowden, coach Bobby, of Florida state university, commended on his 1993 national football championship —

HJR 38, pages 185, 237, Act no. 94-31

Bowden, coach Terry, of Auburn university, commended for his outstanding record of achievement —

HJR 21, pages 139, 175, Act no. 94-20

Bowling, ms. Sheena, of the university of Montevallo, commended for being named to the 1994 Kodak women's all-American basketball team for NAIA colleges —

HJR 439, pages 2739, 2801, Act no. 94-628

Boys and ghouls together, director, cast and crew of Satsuma high school, commended for their outstanding performance —
HJR 429, pages 2737, 2801, Act no. 94-654

Bradford, captain Charles R., of Scottsboro, commended for meritorious leadership and service during the Korean conflict —
HJR 343, pages 2168, 2258, Act no. 94-424

Bradford, mr. Buddy, of Russellville, commended for his faithful service to the community —
HJR 215, pages 1790, 1813, Act no. 94-303

Bradford, mr. Doug, commended on the occasion of his retirement from the Dothan eagle newspaper —
HJR 90, pages 600, 656, Act no. 94-74

Bragg junior high school and Gardendale elementary school student teams, commended for their outstanding achievement in future problem solving competitions —
HJR 330, pages 2168, 2261, Act no. 94-457

Brogdon, dr. Byron Gilliam, of Mobile, commended for outstanding professional achievement —
HJR 192, pages 1280, 1307, Act no. 94-190

Bruce, coach Leonard, of Cedar Bluff, commended on his induction into the Alabama high school sports hall of fame —
HJR 230, pages 1599, 1652, Act no. 94-201

Buckhorn high school lady bucks basketball team, commended as the 1994 state class 4A basketball champions —
HJR 282, pages 2170, 2259, Act no. 94-438

Cahaba girl scout council, commended for being the girl scout gold award recipients and Margaret DeB. Tutwiler commended as the recipient of the 1994 Mildred Bell Johnson award —
SJR 82, pages 1602, 1724, 1730, 1766, Act No. 94-238

Cannon, miss Lakeesha, of Leflore high school, commended for extraordinary athletic achievement —
HJR 326, pages 2164, 2261, Act no. 94-454

Carr, mrs. Johnnie, of Montgomery, commended for outstanding community service and achievement —
HJR 193, pages 1280, 1307, Act no. 94-191

Cathy, mr. S. Truett, commended for outstanding achievements in business and education —

HJR 280, pages 2169, 2259, Act no. 94-436

Central Alabama opportunities industrialization center, incorporated, commended on the occasion of their 25th anniversary —

SJR 62, pages 1275, 1600, 1707, 1766, Act No. 94-219

Central high school red devils, commended for winning the first state football championship in Central's history —

HJR 69, pages 597, 655, Act no. 94-63

Chapman, miss Kalyn Evel, of Mobile, commended on her reign as miss Alabama for 1993 and extraordinary achievement —

HJR 200, pages 1789, 1812, Act no. 94-296

Chattahoochee Valley community college lady pirates basketball team, commended on an outstanding season —

HJR 386, pages 2654, 2676, Act no. 94-504

Christ temple apostolic church, of Mobile, commended for its outstanding history and accomplishments in Christian commitment and service —

HJR 184, pages 1281, 1307, Act no. 94-185

Clack, mr. Shane, of Vina high school, commended as the recipient of the 1994 Chucky Mullins award —

HJR 13, pages 138, 174, Act no. 94-12

Clark, mrs. Lillie Bell Sanders, of Lanett, commended on the occasion of her 91st birthday —

HJR 42, pages 187, 238, Act no. 94-35

Cleaver, mr. Napoleon, of Selma, commended on his boxing accomplishments —

HJR 320, pages 2163, 2261, Act no. 94-451

Cloud, captain John, commended for many years of dedicated service to the department of public safety and the state —

HJR 297, pages 2171, 2260, Act no. 94-443

Cockes, mr. Billy G., of Morgan county, commended on his distinguished law enforcement career —

HJR 129, pages 1171, 1255, Act no. 94-158

Colbert county high school indians football team, commended on the 1993 state class 3-A championship —
HJR 5, pages 137, 173, Act no. 94-5

Company B of the 151st engineer combat battalion, of Scottsboro, commended on their 44th reunion for exemplary and valiant service during the Korean conflict —
HJR 340, pages 2168, 2261, Act no. 94-459

Cook, captain Roger, of the U. S. coast guard, commended for exceptional courage and initiative —
SJR 132, pages 2205, 2655, 2673, 2688, Act No. 94-494

Cooke, reverend Clarence J., sr., of Mobile, commended on the occasion of his installation as president of the Mobile inter-denominational ministerial alliance —
SJR 23, pages 253, 321, 418, 625, Act No. 94-58

Crane, mr. Paul, of Mobile, commended on his induction into the Alabama sports hall of fame —
HJR 98, pages 601, 657, Act no. 94-80

Crawford, miss Kristi, of Birmingham, commended on her selection as 1993 high school girl basketball player of the year by the Birmingham grid forecasters —
SR 93, page 1701

Cullins, mr. James, of Alexander City, commended on his distinguished legislative service and contributions to community and state —
HJR 284, pages 2170, 2259, Act no. 94-440

Cunningham, mr. Earl C., of Montevallo, commended upon his retirement from the university of Alabama at Birmingham —
HJR 270, pages 1780, 1810, Act no. 94-281

Disaster and relief agencies and volunteers, commended for aid and support to the victims of Palm Sunday storms in northeast Alabama —
HJR 411, pages 2652, 2675, Act no. 94-500

Dortch, ms. Doris A., of Mobile, commended as the recipient of the 1993 national education association's educational support personnel of the year award —
HJR 93, pages 601, 656, Act no. 94-77

Dotzler, mr. Asa G., commended for outstanding contributions and service to the capitol restoration team of the Alabama historical commission —

HJR 209, pages 1790, 1813, Act no. 94-299

Dotzler, mr. Thomas P., commended for outstanding contributions and service to the capitol restoration team of the Alabama historical commission —

HJR 208, pages 1790, 1813, Act no. 94-298

Drake, representative Tom, of Vinemont, commended on his induction into the 1994 Chattanooga area old timers' sports hall of fame —

HJR 212, pages 1600, 1651, Act no. 94-214

Eagles, coach Tommy Joe, commended for his significant contributions to Auburn university —

SJR 117, pages 1882, 2102, 2110, 2160, Act No. 94-379

East Lawrence high school varsity cheerleaders, commended for their many outstanding achievements —

SJR 49, pages 1049, 1201, 1221, 1272, Act No. 94-126

Elms, mr. Patrick, of Madison, commended for outstanding humanitarian service —

HJR 147, pages 1174, 1255, Act no. 94-163

Emmett, ms. Sue, of Baldwin county, commended on the occasion of her retirement and for the many outstanding accomplishments of her teaching career —

HJR 56, pages 221, 263, Act no. 94-40

Esham, dr. Richard H., of Mobile, commended for outstanding professional achievement and service —

HJR 191, pages 1280, 1307, Act no. 94-189

Everitt, mr. Henry O., of Huntsville, commended on the occasion of his retirement —

SJR 44, pages 895, 1047, 1057, 1076, Act No. 94-111

Exxon, commended on the contributions of the company to the Mobile area and the state of Alabama —

SR 99, page 1775

SJR 100, pages 1776, 1894, 1908, 1994, Act No. 94-258

HJR 278, pages 2174, 2256, Act no. 94-415

Farmer, mr. Kenneth, of Leeds, commended for being recognized as the 1994 Leeds citizen of the year —

HJR 168, pages 1175, 1253, Act no. 94-143

Finley, dr. Sara Crews, commended as recipient of the 1994 distinguished alumna award of the university of Alabama —

SJR 146, pages 2740, 2854, 2855, 2862, Act No. 94-646

Flakes, mr. Curtis M., of Mobile, commended for his outstanding contributions and achievement in equal employment opportunity —

HJR 40, pages 185, 238, Act no. 94-33

Forestry commission employees, commended for clean-up after ice storm —

SJR 63, pages 1297, 1663, 1704, 1766, 2643

SJR 86, pages 1630, 1725, 1731, 1766, Act No. 94-241

Foshee, senator E. C. "Crum", of Andalusia, commended for outstanding service to his community and to the state of Alabama —

SJR 129, pages 2202, 2326, 2440, 2640, Act No. 94-506

Fox, mr. Harry, of Isabella, commended on receiving the Melvin Jones fellowship award from the lions clubs international foundation for dedicated humanitarian services —

HJR 323, pages 2164, 2261, Act no. 94-452

France, mr. William H. G., recognized on the 25th anniversary of the Talladega superspeedway —

SJR 147, pages 2742, 2854, 2855, 2862, Act No. 94-647

Futures golf tour, welcomed to Alabama —

HJR 223, pages 1787, 1811, Act no. 94-285

G. F. Shields high school boys basketball team, commended on their 2A championship —

SJR 122, pages 2028, 2225, 2246, 2424, Act No. 94-408

Garrett, mr. John A., of Snowdoun, commended on the occasion of his retirement as executive vice president of the Alabama rural water association —

HJR 358, pages 2444, 2500, Act no. 94-510

Gardendale elementary school and Bragg junior high school student

- teams, commended for their outstanding achievement in future problem solving competitions —
HJR 330, pages 2168, 2261, Act no. 94-457
- Garzon, mr. George A., of Montgomery, commended for outstanding service as director of the department of aeronautics —
SJR 31, pages 657, 786, 918, 921, 923, Act No. 94-105
- Geiss, ms. Linda Brooks, of Birmingham, commended for extraordinary achievement and contributions to further female entrepreneurs —
HJR 190, pages 1280, 1307, Act no. 94-188
- George C. Marshall space flight center, U. S. space and rocket center, recognized during the 25th anniversary of the first manned moon landing —
HJR 166, pages 1178, 1252, Act no. 94-141
- Goodloe, ms. Carolyn Lee, commended for distinguished service to Baldwin county united —
HJR 119, pages 1171, 1254, Act no. 94-150
- Goodwin, mrs. Edna Earl, of Shelby county, commended on the occasion of her retirement —
HJR 74, pages 597, 655, Act no. 94-66
- Graffeo, Vincent John, of Mountain Brook, commended on his attainment of the rank of eagle scout —
SJR 42, pages 871, 919, 921, 923, Act No. 94-110
- Green, coach Judith M., commended for her numerous outstanding professional accomplishments at the university of Montevallo —
HJR 440, pages 2740, 2801, Act no. 94-629
- Griffin, mrs. Willie Mae, of Sumiton, commended upon her retirement as city clerk —
SJR 114, pages 1880, 2101, 2109, 2160, Act No. 94-376
- Grissom, mr. Steve, of Gadsden, commended for outstanding accomplishments as a NASCAR driver —
HJR 265, pages 1782, 1810, Act no. 94-278
- Hale, mrs. Mary Sue Porter, of Sylacauga, commended for her distinguished service and leadership —
HJR 66, pages 596, 655, Act no. 94-61

Hall, miss Susan, of Madison county, commended for her outstanding academic and civic achievements —

HJR 145, pages 1174, 1255, Act no. 94-161

Hansel, ms. Joy M., of Theodore, commended for being named Tillman's Corner citizen of the year —

HJR 126, pages 1170, 1254, Act no. 94-156

Hardy, mr. Frank, of Selma, commended for his contributions to the youth development center —

HJR 347, pages 2167, 2258, Act no. 94-427

Hartselle high school girls' gymnastic team, commended on winning the state championship —

HJR 243, pages 1784, 1809, Act no. 94-269

Hartselle high school tigers boys' basketball team, commended on winning the state state 5A championship —

HJR 244, pages 1782, 1809, Act no. 94-270

Hatcher, mr. Prince, of Selma, commended for his prestigious boxing accomplishments —

HJR 377, pages 2441, 2501, Act no. 94-514

Hayden, mr. Bobby, commended on his outstanding contributions to the city of Huntsville and the state —

HJR 426, pages 2653, 2676, Act no. 94-502

Haynes, sergeant Robert L., commended upon his retirement and distinguished service as an Alabama state trooper —

HJR 87, pages 598, 656, Act no. 94-71

Herring, coach Robert, commended for outstanding achievement as head coach of Oxford high school —

HJR 211, pages 1790, 1813, Act no. 94-301

Hicks, Davina and Regina, of Tuskegee, commended for outstanding achievement and as Alabama's representatives at the very special arts international festival in Brussels, Belgium —

SJR 40, pages 833, 919, 921, 923, Act No. 94-109

SJR 45, pages 896, 1047, 1057, 1076, Act No. 94-112

Hill, mr. Michael L., of Gulf Shores, commended for extraordinary heroism —

HJR 187, pages 1281, 1307, Act no. 94-187

- Hooks, Max and Nell, and Mountainboro WATCH patrol, of Sand Mountain, recognized for reducing crime in their community —
HJR 186, pages 1281, 1307, Act no. 94-186
- Housel, mr. David, of Auburn, commended and support expressed on his appointment as Auburn university athletic director —
SJR 103, pages 1779, 1895, 1908, 1994, Act No. 94-310
- Inge family, commended for their outstanding contributions to the state of Alabama —
HJR 75, pages 598, 655, Act no. 94-67
- Ingle, mr. Todd, of Nauvoo, commended for outstanding athletic achievement —
HJR 311, pages 2173, 2257, Act no. 94-421
- Ingram, dr. Thomas, jr., commended for his distinguished service to the Tuscaloosa city board of education —
HJR 9, pages 137, 173, Act no. 94-8
- Inscoc, mr. Turner, of Montgomery, commended on his election as 1995 governor of the Alabama youth legislature —
SJR 138, pages 2612, 2648, 2674, 2688, Act No. 94-493
- Jackson, miss Mackenzie, of Lee county, commended for outstanding achievement —
HJR 141, pages 1165, 1211, Act no. 94-124
- Jefferson county chapter of the coalition of 100 black women, commended for outstanding contributions and service —
HJR 229, pages 1788, 1811, Act no. 94-287
- John T. Morgan academy football team, commended on their 1993 Alabama independent school association's football championship —
HJR 133, pages 1165, 1211, Act no. 94-121
- Jolly, ms. Anne, of Mobile, commended as state of Alabama teacher of the year 1993-1994 —
HJR 276, pages 2169, 2259, Act no. 94-435
- Jones, mrs. Dorothy Posey, commended on the occasion of her retirement —
HJR 54, pages 221, 262, Act no. 94-36

Kelley, ms. Constance H., of Mobile, commended as outstanding dietitian of the year —

HJR 10, pages 137, 173, Act no. 94-9

Kelley, mr. James Hayward, of Ozark, commended for his outstanding achievement and service —

HJR 110, pages 836, 889, Act no. 94-100

Kendricks, mr. Frank L., of Carbon Hill, commended on the occasion of his 100th birthday —

SJR 127, pages 2032, 2225, 2247, 2424, Act No. 94-412

Kennedy, ms. Elizabeth, commended on her outstanding political leadership —

HJR 378, pages 2442, 2501, Act no. 94-515

Kennedy, mr. Walter Malcolm, of St. Clair county, commended upon his retirement —

HJR 346, pages 2167, 2258, Act no. 94-426

King, mr. Olin B., of Huntsville, commended for outstanding achievement and invaluable contributions to the community and state —

SJR 26, pages 599, 837, 872, 890, Act No. 94-89

King, mr. T. Keith, of Mobile, commended for his outstanding service and achievement —

HJR 92, pages 600, 656, Act no. 94-76

Kirby, mr. Bob, of Mobile, commended on the occasion of his retirement —

HJR 22, pages 139, 175, Act no. 94-21

Lakes, mr. Larry, of Selma, commended on his boxing accomplishments —

HJR 348, pages 2167, 2258, Act no. 94-428

Langford, mayor Larry, of Fairfield, commended for distinguished community leadership —

HJR 39, pages 185, 237, Act no. 94-32

Leatherbury, mr. E. Roberts, of Mobile, commended on his selection as man of the year for 1993 by the national maritime safety association —

HJR 134, pages 1165, 1211, Act no. 94-122

LeFlore high school boys' basketball team, commended upon their outstanding 1994 record —

SJR 115, pages 1881, 2101, 2110, 2160, Act No. 94-377

LeFlore high school lady rattlers basketball team, commended on winning the state class 6A championship —

SJR 101, pages 1777, 1895, 1908, 1994, Act No. 94-309

HJR 242, pages 1784, 1808, Act no. 94-268

LeMay, mr. Chris, of Lawrence county, commended for outstanding achievement and as a participant in the 1993 NASA summer faculty fellowsip program —

SJR 27, pages 605, 837, 872, 890, Act No. 94-90

Lewis, O. L. "Bud," of Blanche, commended for outstanding service to the Blanche/Cherokee county community —

HJR 448, pages 2737, 2802, Act no. 94-631

Liberty middle school academic team, of Madison, commended for their outstanding achievement —

HJR 169, pages 1172, 1253, Act no. 94-144

Lillich, ms. Harriett Rodgers, of Mobile, commended for her outstanding service to education —

HJR 150, pages 1174, 1256, Act no. 94-166

Lions sight conservation association, incorporated, commended for their 50 years service to the state of Alabama —

HJR 224, pages 1788, 1811, Act no. 94-286

Lowe, Sallie, of Birmingham, commended for her outstanding service to the order of eastern star and her community —

HJR 235, pages 1788, 1812, Act no. 94-292

Lowery quartet of Chilton county, commended for the many years of entertainment pleasure they have brought to so many —

HJR 324, pages 2164, 2261, Act no. 94-453

Lynn high school bears football team, commended on the outstanding success on their 1993 football season —

HJR 285, pages 2170, 2260, Act no. 94-441

Malcolm, mr. Jeffery, of Madison, commended on his being selected to attend the national young leaders conference —

HJR 146, pages 1174, 1255, Act no. 94-162

McBride, dr. Angus, jr., of Mobile, commended on his election as president of the southern medical association —
HJR 16, pages 138, 174, Act no. 94-15

McComas, mr. Murray K., of Warren, Pennsylvania, commended for outstanding service to sigma chi fraternity —
HJR 231, pages 1788, 1811, Act no. 94-288

McCorvey, mr. David Ennis, commended as the recipient of the 1993 Montgomery advertiser humanitarian of the year —
HJR 85, pages 598, 655, Act no. 94-69

McDaniel, mr. James, of Nauvoo, commended for outstanding achievement and community leadership —
HJR 61, pages 222, 263, Act no. 94-41

McDonald, mr. Earl, of Fayette, commended for his generous contribution to Bevill state community college and to the youth of the state —
SJR 58, pages 1194, 1663, 1704, 1766, Act No. 94-224

McGhee, mr. Marshall E., commended for his outstanding career and professional achievement in education and business —
HJR 351, pages 2166, 2258, Act no. 94-431

McIntosh, mrs. Mattie Lee, of Birmingham, commended for her many years of dedicated service to child care —
HJR 402, pages 2655, 2676, Act no. 94-505

McKeever, mr. and mrs. Carl J., of Jasper, commended on the occasion of their 60th wedding anniversary —
SJR 59, pages 1195, 1663, 1704, 1766, Act No. 94-225

Mead containerboard's Stevenson mill, commended on their outstanding operation and economic impact on Jackson county and the state —
HJR 71, pages 597, 655, Act no. 94-65

Mid-continent oil and gas association, commended on its 50th anniversary of service to the oil and gas industry —
SJR 109, pages 1873, 2101, 2109, 2160, Act No. 94-372

Missett, mrs. Judi Sheppard, of Carlsbad, California, commended for her contributions to the aerobic dance industry —
SJR 15, pages 176, 239, 261, 272, Act No. 94-45

Missionary servants of the most blessed trinity, commended for their outstanding contributions to Gadsden/Etowah county community —

HJR 55, pages 221, 263, Act no. 94-39

Mixon, sheriff Bryant, of Dale county, commended for outstanding professional achievement and service —

SJR 74, pages 1375, 1724, 1730, 1766, Act No. 94-233

Moland, dr. John, jr., of Alabama state university, commended for his many professional achievements —

HJR 338, pages 2168, 2261, Act no. 94-458

Montgomery academy 1993-94 boys' junior high "B" basketball team, commended for extraordinary achievement —

SJR 66, pages 1335, 1664, 1705, 1766, Act No. 94-228

Montgomery academy 1993-94 boys' junior high varsity basketball team, commended for outstanding achievement —

SJR 67, pages 1336, 1664, 1705, 1766, Act No. 94-229

Montgomery academy 1993-94 girls' junior high "B" basketball team, commended for outstanding achievement —

SJR 68, pages 1337, 1664, 1705, 1766, Act No. 94-230

Montgomery southeast black eleven year old all stars, commended on the 1994 state basketball championship —

HJR 300, pages 2171, 2260, Act no. 94-448

Montgomery southeast blue eight year old stars, commended on the YMCA state basketball championship —

HJR 298, pages 2171, 2260, Act no. 94-444

Montgomery southeast blue nine year old stars, commended on the YMCA state basketball championship —

HJR 299, pages 2171, 2260, Act no. 94-445

Moore, mr. Robert James, of Mobile commended on his appointment as U. S. marshal in the southern district of Alabama —

HJR 310, pages 2172, 2257, Act no. 94-420

Moore, mr. Thomas M., of Huntsville, commended for outstanding achievement in the field of space technology —

SJR 16, pages 177, 239, 261, 272, Act No. 94-46

Moss, mrs. Sadie, of Selma, commended for outstanding achievement —

HJR 437, pages 2739, 2801, Act no. 94-626

Mountain Brook high school, commended for outstanding achievement as a blue ribbon school —

HJR 50, pages 221, 262, Act no. 94-37

Mountainboro WATCH patrol and Max and Nell Hooks, of Sand Mountain, recognized for reducing crime in their community —

HJR 186, pages 1281, 1307, Act no. 94-186

Mysinger, ms. Wanda, commended for outstanding service to the university of Alabama —

SJR 70, pages 1345, 1664, 1705, 1766, Act No. 94-231

Negro baseball league, recognizing the unveiling of an historical marker by the city of Huntsville —

HJR 425, pages 2653, 2675, Act no. 94-501

Nelson, ms. Pamela, of Huntsville, commended for extraordinary achievement as an artist —

HJR 202, pages 1279, 1307, Act no. 94-179

Nesbitt, mr. Robert D., sr., of Montgomery, commended as the 1993 Montgomery advertiser citizen of the year —

HJR 84, pages 598, 655, Act no. 94-68

Nix, mayor James P., sr., of Fairhope, commended on his appointment to the board of directors of the national league of cities —

HJR 148, pages 1174, 1255, Act no. 94-164

Nix, reverend Preston, of Attalla, commended for outstanding service and achievement to the community and state —

HJR 268, pages 1783, 1810, Act no. 94-279

North Jackson high school chiefs football team, commended on the 1993 state class 4A championship —

HJR 164, pages 1175, 1252, Act no. 94-139

Orange, reverend James, of Atlanta, Georgia, commended for outstanding service and achievement —

SJR 121, pages 2027, 2225, 2246, 2424, Act No. 94-407

Oxford high school yellow jackets football team, commended on the 1993 state class 5A championship —

HJR 171, pages 1173, 1253, Act no. 94-146

Pappas, ms. Toni L., of Montgomery, commended for service to the Alabama senate —

SR 137, page 2607

Parsons, senator Mac, of Hueytown, for outstanding service to the state of Alabama —

SJR 145, pages 2719, 2854, 2855, 2862, Act No. 94-645

Payne, mr. William, of Montgomery, commended on his outstanding accomplishments in life as “the shoeshine man” —

SJR 73, pages 1374, 1662, 1705, 1766, Act No. 94-210

Pech, miss Sheryl, of Prattville, commended for outstanding achievement and as a representative in the people’s lobby to congress —

SJR 21, pages 222, 321, 418, 625, Act No. 94-57

Poe, mr. John Curtis, of Jasper, commended for outstanding community service and on his selection as the 1993 outstanding fraternal order of police member —

SJR 60, pages 1196, 1663, 1704, 1766, Act No. 94-226

Portera, mrs. Margaret W., commended upon the occasion of her retirement and her outstanding service to the state —

SJR 108, pages 1825, 1907, 1909, 1994, Act No. 94-259

Powell, dr. Lacey E., jr., of Mobile, commended as the 1993 music educator of the year —

HJR 94, pages 601, 657, Act no. 94-78

Presley, mr. Dan, of Coffee county, commended on the occasion of his retirement and for his achievements with the cooperative extension service —

HJR 245, pages 1785, 1809, Act no. 94-271

Price, coach Mike, and coach Mike Zimmer of Washington state university commended for outstanding contributions to the 1993 blue-gray all star football classic in Montgomery —

SJR 7, pages 14, 172, 197, 240, Act No. 94-25

Rains, mr. Billy, of Geraldine, commended for outstanding heroism —

SJR 46, pages 917, 1087, 1091, 1162, Act No. 94-116

HJR 167, pages 1175, 1252, Act no. 94-142

Reese, mr. Frederick Douglas, of Selma, commended for his dedicated commitment to the cause of freedom and human rights —
SJR 120, pages 2026, 2224, 2246, 2424, Act No. 94-406

Resource management service, incorporated, commended for their support to education by donating computer equipment to Prattville high school —
SJR 111, pages 1877, 2101, 2109, 2160, Act No. 94-373

Reynolds, mrs. Carolyn, commended on her induction into the Childersburg chamber of commerce hall of fame —
HJR 198, pages 1789, 1812, Act no. 94-295

Rhoades, mr. Robert David, of Selma, commended on his being selected as the goodwill ambassador of 1994 —
HJR 319, pages 2163, 2260, Act no. 94-450

Roberson, dr. Bobby, of Bevill state community college, commended as a NASA summer faculty fellowship recipient for 1993 —
SJR 29, pages 607, 837, 873, 890, Act No. 94-92

Robert C. Hatch high school bobcats basketball team, commended as the 1994 state class 3A basketball champions —
SJR 134, pages 2387, 2648, 2673, 2688, Act No. 94-492
HJR 294, pages 2171, 2260, Act no. 94-442

Robertson, mr. Paul, of Lamar county, commended for extraordinary heroism —
HJR 14, pages 138, 174, Act no. 94-13

Robinson, mrs. Dorothy S., of Gadsden, commended upon her retirement from the Darden rehabilitation center —
HJR 266, pages 1782, 1812, Act no. 94-257

Ross, coach Doug, commended for outstanding achievement and on the occasion of his 200th victory as hockey coach at the university of Alabama —
HJR 118, pages 1171, 1254, Act no. 94-149

Rowe, mr. Charles C., of Montgomery, commended upon his retirement for distinguished service to the state of Alabama as assistant finance director for fiscal affairs and state budget officer —
SJR 48, pages 1048, 1201, 1221, 1272, Act No. 94-125

Roy, major Roderick, of Mobile, commended for his many years of service in the police department —

HJR 301, pages 2172, 2257, Act no. 94-416

Satsuma high school band senior members, commended for outstanding achievement —

HJR 450, pages 2736, 2802, Act no. 94-632

Satsuma high school varsity cheerleading squad, commended for outstanding achievement —

HJR 349, pages 2167, 2258, Act no. 94-429

Satterfield, mr. and mrs. Joe Bill, of Monrovia, commended for their significant and lasting contributions to the people of their community and state —

HJR 329, pages 2168, 2261, Act no. 94-456

Sauls, miss Shawna, of the university of Montevallo, commended for outstanding achievement —

HJR 438, pages 2739, 2801, Act no. 94-627

Selma high school basketball team, commended on the 1994 state class 6A championship and designating March 10, 1994, as "Selma saints day" —

SJR 72, pages 1372, 1504, 1515, 1579, Act No. 94-200

HJR 221, pages 1787, 1811, Act no. 94-284

Shealy, mr. Steadman S., jr., of Dothan, commended for outstanding contributions and service to the state and the state board of education —

HJR 232, pages 1788, 1811, Act no. 94-289

Shell, dr. E. Wayne, commended for distinguished service to Auburn university —

HJR 53, pages 221, 262, Act no. 94-38

Shelwood, coach J. D., commended on being named coach of the year for the southern division of junior and community colleges —

HJR 309, pages 2172, 2257, Act no. 94-419

Shula, coach Don, of the Miami dolphins, commended for being the winningest coach in national football league history —

HJR 88, pages 598, 656, Act no. 94-72

Smith, captain Kevin T., commended for outstanding achievement and service as a fighter pilot in the national guard —
SJR 52, pages 1123, 1176, 1222, 1272, Act No. 94-127

Smith, mrs. Melissa Ann Voight, of Huntsville, commended on the occasion of her birthday —
HJR 267, pages 1783, 1810, Act no. 94-256

Smokey bear campaign, recognized on its 50th anniversary —
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Stapleton, captain Marty, of the U. S. coast guard, commended for exceptional courage and initiative —
SJR 131, pages 2204, 2655, 2673, 2688, Act No. 94-495

Steele, mrs. Lucy, of Birmingham, commended on the occasion of her 100th birthday —
HJR 144, pages 1173, 1255, Act no. 94-160

Stewart, coach Jackson Braswell, commended for outstanding contributions to high school athletics —
HJR 173, pages 1173, 1253, Act no. 94-147

Stone, mrs. Kitty, of Jackson, commended for outstanding achievement and service to the youth of our state —
HJR 307, pages 2172, 2257, Act no. 94-417

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Sumter county high school lady wildcats basketball team, commended on an outstanding 1993-94 season —
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Sumter county high school wildcats basketball team, commended as the 1994 state class 4A championship —
SJR 139, page 2649
HJR 250, pages 1787, 1809, Act no. 94-273

Talladega superspeedway, and mr. William H. G. France, recognized on the 25th anniversary —
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Taney, sergeant Thomas E., of Pelham commended on his distinguished military career —

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Tanner, mr. and mrs. James, of Alexander City, commended on the occasion of their 50th wedding anniversary —

HJR 283, pages 2170, 2259, Act no. 94-439

Thomas, mrs. Annie, of Greene county, commended for her contributions to the people of her community and state —

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Thomas, mrs. Maribeth, of Birmingham, commended for outstanding contributions and service —

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Trawick, coach Wayne, of Phenix City, commended on winning the Alabama high school athletic association class 6A state championship —

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Turnbo, mrs. Minnie, of Whistler, commended on the occasion of her 113th birthday —

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Williams, mr. Robert J., of Mobile, commended for outstanding contributions and service to his community —
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Zimmer, coach Mike, and coach Mike Price, of Washington state university commended for outstanding contributions to the 1993 blue-gray all star football classic in Montgomery —
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S	623	—	Act No. 94-533
S	636	—	Act No. 94-534
S	651	—	Act No. 94-535
S	652	—	Act No. 94-536
S	653	—	Act No. 94-561
S	654	—	Act No. 94-537
S	655	—	Act No. 94-538
S	656	—	Act No. 94-539
S	659	—	Act No. 94-540
S	665	—	Act No. 94-562
SJR	4	—	Act No. 94- 44
SJR	5	—	Act No. 94- 23
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SJR	7	—	Act No. 94- 25
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SJR	10	—	Act No. 94-651
SJR	11	—	Act No. 94- 47
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SJR	37	—	Act No. 94-106
SJR	38	—	Act No. 94-107
SJR	39	—	Act No. 94-108
SJR	40	—	Act No. 94-109
SJR	42	—	Act No. 94-110
SJR	44	—	Act No. 94-111
SJR	45	—	Act No. 94-112
SJR	46	—	Act No. 94-116
SJR	48	—	Act No. 94-125
SJR	49	—	Act No. 94-126
SJR	52	—	Act No. 94-127
SJR	54	—	Act No. 94-221
SJR	55	—	Act No. 94-222
SJR	57	—	Act No. 94-223
SJR	58	—	Act No. 94-224
SJR	59	—	Act No. 94-225
SJR	60	—	Act No. 94-226
SJR	62	—	Act No. 94-219
SJR	65	—	Act No. 94-227
SJR	66	—	Act No. 94-228
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SJR	68	—	Act No. 94-230
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SJR 73	—	Act No. 94-210
SJR 74	—	Act No. 94-233
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SJR 78	—	Act No. 94-235
SJR 79	—	Act No. 94-236
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SJR 83	—	Act No. 94-239
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SJR 100	—	Act No. 94-258
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SJR 105	—	Act No. 94-489
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SJR 109	—	Act No. 94-372
SJR 110	—	Act No. 94-350
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SJR 113	—	Act No. 94-375
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SJR 130	—	Act No. 94-491
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